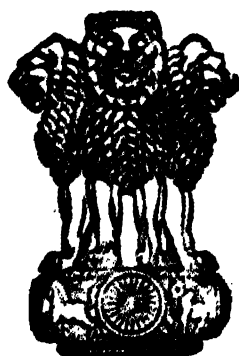


# **ESTIMATES COMMITTEE**

## **FIFTIETH REPORT**

**1956-57**

**ACTION TAKEN BY GOVERNMENT ON THE  
RECOMMENDATIONS CONTAINED IN  
THE EIGHTH REPORT OF THE  
ESTIMATES COMMITTEE**



**सत्यमेव जयते**

**LOK SABHA SECRETARIAT  
NEW DELHI  
March, 1957**

### APPENDIX III

(*Vide S. No. 1, Chapter III*)

GOVERNMENT OF INDIA

MINISTRY OF IRRIGATION & POWER.

No. 40(15) DVC-54

*New Delhi, 22nd January, 1955.*

From

Shri S. Narayanaswamy,

Under Secretary to the Government of India.

To

(The State Governments)

SUBJECT:—*Enquiry Committee and Parliamentary Committee Report's*

Sir,

I am directed to forward herewith a copy of this Ministry's Office Order on the subject cited above, addressed *inter alia* to all the Central Multi-Purpose Projects authorities for the information of the State Governments.

This Office order was issued arising out of premature leakings of a Parliamentary Committee Report. These reports are to be treated as confidential and should be handled only by Senior Officers.

Yours faithfully,

Sd. S. NARAYANASWAMY,

*Under Secretary to the Govt. of India.*

GOVERNMENT OF INDIA

MINISTRY OF IRRIGATION & POWER.

No. 25(2)/54/Adm.

*New Delhi, the 16th June, 1954.*

#### OFFICE ORDER

In continuation of the orders concerning the processing of Enquiry Committee Reports or Parliamentary Committee Reports, those to whom it is circulated, should be informed that it is confidential and for official purposes only until Government decisions are reached and published.

Sd. H. C. GUPTA,

*Joint Secretary to the Govt. of India.*

## **APPENDIX IV**

*(Vide S. No. 4, Chapter III)*

**EXTRACT FROM THE DVC'S LETTER NO. G/G-60/54-5115 DATED THE 30TH JULY, 1954, REGARDING DEFECTIVE HOUSE CONSTRUCTION.**

### **2. Recommendation No. 9**

In the houses built for resettlement, two defects were noticed. Firstly, some of the sal posts used in the roofs, or as props were found to be undersized or unseasoned. This was unavoidable as good quality sal posts were not available in sufficient numbers at the time. The sal posts have since been replaced and there is no further complaint on this score. Secondly the gunited mud walls have been found to be unsuitable. This guniting was done on the technical advice of Mr. Ferguson and Mr. A. de Vajda who were then the Chief Technical Advisers of the Rehabilitation Department. Mr. Ferguson had personal experience of guniting of mud walls and had apparently been satisfied with the results. He, therefore, tried it again in the resettlement houses. Unfortunately, the experiment turned out to be not an unqualified success. The mud walls could not stand up to the monsoon very well and the plaster started peeling off after two to three years. The quality of work done was not, however, poor nor has there been any contributory negligence on the part of the officers concerned. In the circumstances, the question of taking disciplinary action against any of the officers does not arise. Incidentally, all the officers from Executive Engineers downwards who were responsible for this work have since left the Corporation service.

## **APPENDIX V**

*(Vide S. No. 8, Chapter III)*

### **GOVERNMENT OF INDIA MINISTRY OF IRRIGATION & POWER**

No. 40(15)-DVC/54

*New Delhi, the Nov., 1955.*

**From**

**Shri S. Venkataraman,  
Deputy Secretary to the Government of India.**

**To**

**The Chairman,  
Central Water and Power Commission,  
New Delhi.**

**The Chairman,  
Damodar Valley Corporation, Anderson House,  
Alipore, Calcutta.**

**The Chief Engineer,  
Hirakud Dam Project, P.O. Hirakud Colony,  
District Sambalpur.**

**The Secretary,  
Tungabhadra Control Board,  
Tungabhadra Dam Site, Via Hospet  
Distt. Bellary.**

**The Secretary,  
Central Board of Irrigation and Power.  
Curzon Road Barracks, New Delhi.**

**The Chairman,  
Delhi State Electricity Board, Delhi.**

**SUBJECT:—Supply of information to the Parliamentary Committees.**

**Sir,**

I am directed to state that a case has been brought to the notice of the Government of India wherein some incorrect information was supplied to the Estimates Committee of Parliament. I am to request that, in future, special care should be taken to ensure that information meant for transmission to Parliamentary Committees does not contain any errors or inaccuracies, since the reports of those Committees to Parliament are based on facts and figures supplied to them.

The receipt of this letter may please be acknowledged.

Yours faithfully,

Sd. S. VENKATARAMAN,

*Deputy Secretary to the Government of India*

Copy to :

The General Manager,  
Bhakra Nangal Project,  
Nangal Township.

Copy to all Branch Officers and all sections for information and guidance.

Sd. S. NARAYANASWAMY,

*Under Secretary to the Government of India.*

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## MEMBERS OF THE ESTIMATES COMMITTEE, 1956-57

1. Shri Balvantray Gopaljee Mehta—*Chairman*.
2. Shrimati B. Klongmen
3. Shri B. S. Murthy
4. Shri Nageshwar Prasad Sinha
5. Shri B. L. Chandak
6. Shri Amarnath Vidyalkar\*
7. Shri Venkatesh Narayan Tivary.
8. Shri Satis Chandra Samanta
9. Shri Raghavendraro Srinivasrao Diwan
10. Shri M. R. Krishna
11. Shri Jethalal Harikrishna Joshi
12. Shri Bhawani Singh\*\*
13. Shri P. Subba Rao
14. Shri P. N. Rajabhoj
15. Shri Vishnu Ghanashyam Deshpande
16. Shri Satyendra Narayan Sinha
17. Pandit Dwarka Nath Tiwary
18. Shri C. R. Narasimhan
19. Shri Raghubir Sahai
20. Pandit Algu Rai Shastri\*\*\*
21. Shri Abdus Sattar
22. Shri Lakshman Singh Charak
23. Shri N. Rachiah
24. Shri Radheshyam Ramkumar Morarka
25. Shri Mangalagiri Nanadas
26. Shri T. B. Vittal Rao
27. Shri Y. Gadilingana Gowd
28. Shri Jaswantraaj Mehta
29. Shri A. E. T. Barrow
30. Shri Choithram Partabrai Gidwani.

### SECRETARIAT

Shri S. L. Shakhder—*Joint Secretary*.

Shri A. R. Shirali—*Deputy Secretary*.

Shri C. S. Swaminathan—*Under Secretary*.

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\* Resigned on 20th November, 1956.

\*\* Died on 6th October, 1956.

\*\*\* Ceased to be a Member upon his election to Rajya Sabha on the 13th December, 1956.

## MEMBERS OF THE ESTIMATES COMMITTEE, 1956-57

### CORRIGENDA

FIFTIETH REPORT OF THE ESTIMATES COMMITTEE ON ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE EIGHTH REPORT OF THE ESTIMATES COMMITTEE.

.....

- Page 4, Serial No.6, column 3, line 8: for 'or' read 'of'
- Page 10, Serial No.3, column 3, line 5: for 'expecial' read 'especially'
- Page 13, Column 4, line 2 from below: for 'or' read 'or'
- Page 13, column 4, last line: for 'Engineef' read 'Engineer'
- Page 15, column 4, line 21: for 'Itrigation' read 'Irrigation.'
- Page 16, column 3, line 10: for 'I &B' read 'I&P'
- Page 23, line 3: for 'its' read 'their'.
- Page 25, line 10: for 'Committee Report's' read 'Committee Reports'.

~~Member since 6th October, 1956.~~

Ceased to be a Member upon his election to Rajya Sabha on the 13th December, 1956.



## CHAPTER I

### REPORT

The Fifth Report of the Estimates Committee which dealt with the Central Water and Power Commission and Multi Purpose River Valley Schemes included a number of recommendations on the 'Damodar Valley Project'. One of them was that the Government should appoint a Committee to investigate thoroughly certain matters relating to the D.V.C. In pursuance of the recommendation, the Damodar Valley Corporation Enquiry Committee, referred to as the Rau Committee, was appointed by the Government of India. In their Eighth Report, the Committee examined the Rau Committee Report and the decisions taken tentatively by the Government on that Report *vis-a-vis* the Fifth Report of the Estimates Committee. The Committee are glad to state that the points brought out in the Eighth Report have been replied to by the Government generally to their satisfaction. Those questions pertaining to the Damodar Valley Corporation, which were referred to in the Fifth Report, are dealt with in the Forty-ninth Report of the Estimates Committee.

2. The Committee examined in detail the replies of Government furnished at various stages to the recommendation in para 13 of the 8th Report (*vide* serial No. 4, Chapter III of this report). As regards the defective construction of houses for displaced persons by the Rehabilitation Department of the Damodar Valley Corporation, the reply shows that the Corporation accepted the technical advice of Mr. Ferguson, the Chief Technical Adviser to the Department, who had previously tried the experiment successfully, at Jodhpur. The Government have pointed out that there was no premonition of failure, the process having been tried before and found successful. They have also stated that there was no time for prolonged tests in regard to the experiment of guniting mud walls. However, the Committee cannot help feeling that the difference in climatic conditions between Jodhpur and Damodar Valley, especially in respect of rainfall, was not given due consideration when the advice was accepted. As may be seen from the Corporation's statement (*vide* Appendix IV), "the mud walls could not stand up to the monsoon very well and the plaster started peeling off after two or three years". The Committee are, however, glad to note that Government have pointed out to D. V. C. the necessity of adopting new methods of construction only after a trial on a small scale by way of experiment. They consider that this experience has a lesson not only for the D. V. C. but for all projects and new ventures.

## CHAPTER—II

### RECOMMENDATIONS THAT HAVE BEEN ACCEPTED BY THE GOVERNMENT

S. No.*	Ref. to para No. of Summary of Recommendations the Report	Reply of the Government
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4

5      14      The Corporation should be asked to plan their requirements of stores and supplies in advance to determine which of them should be purchased through the D. G., S. & D.

The Committee reaffirm their earlier decisions made in para. 59 of the Fifth Report that the Agency of the D. G., S. & D. should be used for making all purchases, except in the case of proved urgency and normal delegation of powers in this respect.

The agency of D. G., S. & D. is utilised by the D. V. C., in terms of their agreement with the D.G., S. & D. dated the 26th May, 1950. The terms provided :

(a) For stores surplus to Government requirements and available from Disposals, Railway Authorities etc. indents are placed on Disposals or Railway Authorities as the case may be, and before acceptance, stores are approved by an Officer of the Corporation, who is a qualified engineer.

(b) For controlled materials, on receipt of requisite permit, indents are placed on authorised suppliers.

(c) For stores other than controlled materials and those available from Disposals, if the value of an item of stores exceeds Rs. 50,000 and delivery is required after six months, indents are normally placed on the D. G., S. & D. unless decided otherwise by the Corporation.

For other items (*i. e.* indent for stores, cost of which is less than Rs. 50,000 and for all stores required within six months) orders are normally placed against D. G., S. & D. Rate Contracts and where possible, as a Direct Demanding Officer, Deviation from the above is permissible only if the delivery dates specified do not permit of action on the D. G., S. & D. Rate Contracts.

The Government have advised the D. V. C. that it would be in the interests of the Corporation to enforce more strictly the procedure already laid down to ensure that requirements are foreseen by the indenting officers as far as possible, and that if this is done, it should be possible for the Corporation to utilise the agency of D. G., S. & D. to a greater extent.

(Ministry of Irrigation and Power Letter No. 40(15)—DVC/54 dt. the 25th August, 1954)

*Comments of the Committee on the reply*

The Ministry of Irrigation and Power should be asked to ascertain from the DVC whether the advice tendered by them regarding the purchase of stores through the agency of the D. G., S. & D. is being followed by the Corporation in actual practice and the Committee may be informed of the position.

A copy of the letter No. E/G/60/54-8913 dt. the 24th December, 1954 from the DVC is given at Appendix I.

(Ministry of Irrigation & Power O. M. No. 40(15)—DVC/54 dt. the 15th March, 1955)

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\*NOTE—Sl. No. indicates the Serial No. of the recommendations as given in the Appendix to the Eighth Report.

(*Lok Sabha Sectt. O. M. No. 143(1)-FC/54 dated the 27th Sept., 1954*)

6           15           The Committee feel that there should be no departure from the wholesome practice suggested by them in para. 61 of their Fifth Report that consultants should not be appointed as contractors or as Inspectors or Stores. If any decision contrary to their recommendations has been taken by the Government that should be revised.

Government agree. The Rau Committee came to a similar conclusion. Instructions have been issued to the D. V. C. that the work of designing and construction should not usually be entrusted to the same agency.

(*Ministry of Irrigation & Power letter No. 40(15)-DVC/54 dt. the 25th August, 1954*).

7           17           The observations of the Rau Committee with regard to the recommendations of the Estimates Committee on the appointment of Chief Engineer are uncalled for. These remarks should be deemed to have been expunged from the Report of the Rau Committee.

Government agree to deem Recommendation No. 56 in the Summary of 'conclusions and recommendations' as expunged. In the body of their Report, however, the Rau Committee have made it clear that the data upon which the Estimates Committee had come to their conclusion was supplied in a 'Factual Note' by the late Ministry of W. M. P. dated 11-9-50.

(*Ministry of Irrigation & Power Letter No 40(15)-DVC/54 dated the 25th August, 1954*)

9 If the Government had taken steps to implement the recommendations of the Estimates Committee to appoint an understudy to the Chief Engineer quickly, an Indian Engineer would have by now gained sufficient experience of the various aspects of the technical and administrative details connected with the project.

A competent understudy to a foreign expert should always be appointed.

10 20 The Committee would like to know the action taken by the Government to implement the recommendation made in para 112 of the Fifth Report of the Estimates Committee.

13 24 The Committee would be glad to know whether the Government have already issued directions under Section 48 of the D. V. C. Act, 1948 with regard to the appointment of non-Indians.

14 25 Key appointments to specified posts should be made after the approval of the Central

The recommendation made in para. 112 of the fifth report of the Estimates Committee was brought to the notice of the DVC for implementation on 6th February, 1953.

The DVC have since appointed Shri A. L. Das, ISE., as an understudy to the present Chief Engineer, Mr. Komora.

Government agree that it is desirable to appoint a competent understudy to a foreign expert.

(Ministry of Irrigation & Power Letter No. 40(15)-DVC/54 dt. 25th Aug. 1954)

Please see S. No. 9 above.

The Corporation have already been advised that they should take prior approval of the Central Government for the appointment of foreigners. The issue of a directive is not necessary.

(Ministry of Irrigation & Power Letter No. 40(15)-DVC/54 dt. the 25th Aug. 1954)

The appointments of Chairman, Members, Secretary and Financial Adviser to the DVC are already being made by the Central Government. The appointment of foreigners has been simi-

### Government.

larly brought within the purview of the Central Govt. These will cover the principal key posts in the Corporation.

[Ministry of Irrigation and Power letter No. 40(15) & DVC/54 dt. the 25th Aug., 1954].

17 29 The Committee would like to know what action Government have taken on the recommendations made by the Estimates Committee in paragraphs 36, 38, 40 (i), 55, & 135 of the Fifth Report and why they have not been examined so far.

Comments of the Committee on the reply.

The progress of the action taken by Government on the outstanding recommendations of the Estimates Committee contained in their Fifth Report should be intimated to the Committee.

[Lok Sabha Sectt. O.M. No. 143 (1)-FC/54 dated the 27th Sept. 1954].

A statement showing the action taken by Government on this recommendation was laid on the Table of the Lok Sabha on the 21st May, 1954. An extract from the statement showing the action taken on the recommendations contained in paragraphs 36, 83, 40(i) 55 and 135 of the Estimates Committee's report is attached. (Appendix II)

(Ministry of Irrigation & Power letter No. 40(15)-DVC/54 dated the 25th August, 1954).

\*This has been noted for compliance.

(Ministry of Irrigation & Power O. M. No. 40(15)-DVC dated the 12th February, 1955).

\*The items have been dealt with in the forty-ninth Report.

### CHAPTER III

## REPLIES OF THE GOVERNMENT THAT HAVE BEEN ACCEPTED BY THE COMMITTEE

S. No.*	Ref. to the para No. of the Report	Summary of Recommendations	Reply of the Government
1	2	3	4

1 10 The Committee would like to know whether any enquiry into the apparent leakage of the contents of the Rau Committee Report in the Press was instituted by Government, and if so, with what results. If this has not already been done, the matter should be looked into and the responsibility for the unauthorised publication of the Report fixed and adequate steps taken to ensure that this does not happen again.

The earliest leakage of the contents of the Rau Committee's Report occurred on the 14th of July, 1953 when the 'Times of India' in its Delhi edition published a news item referring to some of the findings in the Report, though without quoting from the Report itself. Prior to this date, cyclostyled copies of the Report had been distributed in the month of June, to the Governments of West Bengal, Bihar and the Punjab, the authorities concerned at the Centre and the DVC for information and comments. The authorities who received the copies were expected in the normal course to treat the report as 'for official use only' and not to give any publicity to it. In view of the extensive circulation of the report it was considered that an enquiry to locate the source of leakage would prove infructuous.

\*NOTE :—S. No. indicates the Serial No. of the recommendations as given in the Appendix to the Eighth Report.

In view, however, of the Estimates Committee's recommendation, the Ministry of Home Affairs were consulted on the steps to be taken to trace the source of leakage and also on the advisability of asking the DVC and the State Governments to take action in this direction at their end. That Ministry have advised that in the circumstances of the case, enquiries to trace the source of leakage will prove fruitless. It is, therefore, not proposed to pursue the matter. Instructions have, however, been issued to ensure that unauthorised publicity to such reports is guarded against in future.

[Ministry of Irrigation & Power Letter No. 40(15) DVC/54 Dt. the 25th August, 1954].

∞

Comments of the Committee on the reply.

*In view of the circumstances which led to the leakage of the Report and the measures taken by the Ministry to guard against such unauthorised publicity in future, the comments of the Ministry are accepted.*

*The Committee, however, observe that cyclostyled copies of the Rau Committee Report should have been marked 'confidential'*

A copy of the instructions issued by the Ministry of Irrigation & Power is attached. Copies thereof have also been supplied to the State Govts. as desired by the Estimates Committee. (Appendix III).

(Ministry of Irrigation & Power letter No. 40(15) DVC 54 dt. 12th Feb. 1955).



and for 'Official use only' by the Ministry of Irrigation and Power before forwarding them to the various State Governments. The Committee desire to be furnished with a copy of the instructions stated to have been issued by the Government to guard against the unauthorised publicity being given to such official documents in future. They would also suggest that a copy of these instructions should be forwarded to the State Govts.

[*Lok Sabha Sectt. O. M. No. 143 (1)-FC/54 dt. the 27th September, 1954*].

2                    11                    The value of the recommendations of the Estimates Committee is lost if inordinate delays are allowed to take place before the recommendations are implemented.

The Committee feel that the Rau Committee have shown lack of appreciation in regard to the urgency and importance of the timely examination of their recommendations.

Government agree.

[*Ministry of Irrigation & Power Letter No. 40(15) DVC-54 dt. the 25th August, 1954*].

The Committee actually started functioning from the 15th October, 1952 and submitted their report on the 3rd June, 1953. The reasons for the delay in the submission of the report are detailed below :

- (i) The Chairman of the Committee was working only part-time on the Committee as he was concurrently Adviser to

the Planning Commission and subsequently Adviser to the Rajpramukh, PEPSU.

(ii) Soon after the Committee started working, one Member of the Committee fell ill and was replaced.

(iii) The terms of reference of the Committee were very wide in scope and included *inter alia* the award of the Konar contract & rates for various items of work, the appointment of Chief Engineer, the adequacy of the DVC Act and the Organisational set-up of the Corporations.

(iv) The Committee had to undertake extensive visits to other projects under construction in the country and had to collect, collate and analyse a large mass of data pertaining to the rates prevalent in those projects.

Under these circumstances, it is felt that the Rau Committee completed their report as expeditiously as possible.

[Ministry of Irrigation & Power Letter No. 40(15)-DVC/54 dated the 25th August, 1954].

12 The Committee would like to know why it was thought fit to hold back the Rau Committee Report from the Estimates Committee especially when Rau Committee was appointed as a result of the recommendations of the

There was no intention to hold back the report from the Estimates Committee. The circumstances under which delay occurred are as follows :

While the appointment of an *ad hoc* Committee to examine the question of high rates included in the Supplementary Agreement for Konar Dam was under the consideration of Government, the Estimates Committee's report was received and opp-

## Estimates Committee:

ortunity was taken to constitute a high-powered Committee to enquire into various matters relating to the DVC, including those raised by the Estimates Committee. The Estimate Committee for example had not asked for enquiries into items 2 (Konar Dam), 3 (Stores Purchase) and 4 (Appointment of Chief Engineer) of the terms of reference of the Rau Committee. Only the last item (Land Reclamation and Rehabilitation) and a part of the 5th item (DVC Act and Organisation) of the terms of reference related to the recommendations of the Estimates Committee. The Report, however, was dealt with as a whole in the Ministry.

In their letter dated 31-7-1953 asking for the Report of the Rau Committee, Parliament Secretariat had desired that Government decisions thereon should also be forwarded to them along with the Report. Decisions, particularly on the Konar Chapter were held up because the feasibility of arbitration between the contractor and the DVC had to be examined at length in all its financial, administrative and legal aspects, in consultation with the Ministries concerned. The position was explained to the Parliament Secretariat.

It may be added that when a decision on the Konar Chapter, though apparently within reach at several stages, was nevertheless eluding solution, the Ministry decided in order to curtail further delay, to delete that chapter and place the report on 2.4.1954 on the Table of the Lok Sabha and before the Estimates Committee. Unabridged copies were, however, supplied to the latter.

[Ministry of Irrigation & Power Letter No. 40(15)-DVC/54 dt. the 27th August, 1954.]

4 The Committee are surprised to note that the Rau Committee while substantially agreeing with all the observations of the Estimates Committee made in this behalf should have quibbled on the expression 'given way' and minimised the effect of the observations of the Estimates Committee and their own conclusions in the matter.

The Rau Committee should have on the other hand suggested stricter and more serious action to be taken in this case. The Committee presume that Government have taken necessary action to fix responsibility for bad workmanship, use of inferior materials etc. in the construction of houses if not, this should be done immediately.

The Government are unable to subscribe to the view that the Rau Committee have quibbled in their report. That Committee have very definitely stated that they agree with the Estimates Committee that the work done is not fully commensurate with the money spent. This is the more surprising as the work was under the supervision of an officer of the rank of Executive Engineer. On the question of the houses 'giving way' their observations are based on facts as ascertained during their enquiry and if they found that none of the houses built by the Corporation had given way, they were at liberty to say so. They have, however, remarked that the roofs had sagged in some cases partly because the timber used in earlier stages was undersized and had not apparently been properly treated. They have also stated that the walls of the houses at Singhrawan village were damaged by the early rains while still under construction and the contractor had to make good the damage and that although the rates paid for the principal items of work, like roofing, doors, and windows called for good quality of work, lower standards had been accepted. In substance, therefore, they have agreed with the observations of the Estimates Committee that the work done was not fully commensurate with the money spent.

The information so far gathered by Government indicates that no houses gave way either before or after occupation that the rates of construction were fixed on the basis of competitive tenders and that good quality sal posts were not available in sufficient number at the time for the roofs.

The DVC is a Statutory Autonomous Corporation whereunder Government's powers are limited to the issue of directives on matters of policy under Section 48 of the Act. Still the DVC was asked to inquire and fix responsibility for the defective house constructions referred to by the Estimates Committee. An extract from the Corporation's reply is attached (Appendix IV). (Min. of Irrigation and power letter No. (15) dated the 25th August, 1954).

Comments of the Committee on the reply

*The Explanation given by the DVC that as all the Officers from Executive Engineer downwards who were responsible for construction of the houses for the displaced person had since left the service question of taking disciplinary action against any of them did not arise, is not satisfactory. The DVC should be asked to pursue the matter further by making enquiries whether the officers at fault had since sought re-employment elsewhere, say in any of the other river valley projects or under any State Governments and if so, to bring the matter to the notice of their present employers for such action as they might consider necessary. The question of black listing such officers for further employment*

In this connection, reference may be made to the extract from DVC's letter No. G. G-60/54-5115 dated the 30th July, 1954 (Appendix IV) where they have stated that the method was recommended by one Mr. Ferguson. He had personal experience of guniting of mud walls and had apparently been satisfied with the results. He, therefore, tried it again in the resettlement houses. Unfortunately, the experiment turned out to be not quite an unqualified success. The mud walls could not stand up well to the monsoon and the plaster started peeling off after 2 to 3 years. The quality of work done was not, however, poor nor has there been any contributory negligence on the part of the officers concerned.

Apparently, the DVC's explanation is that the contractor or the officers concerned were not to blame for this but the method suggested by Mr. Ferguson did not prove successful in this case. If any action has to be taken, therefore, for advising a method which was not very successful it could only be taken against Mr. Ferguson and not the subordinate officers who were to follow his instruction. Mr. Ferguson is not now in India having left the services of the DVC on 24.8.1950. It is not the explanation or DVC that responsibility could not be fixed from Executive Engineer

*under the Central Government or any of the State Governments should be examined by Government in order that it acts as a deterrent in future.*

(Lok Sabha Sectt. O.M. No. 143 (1)/FC/54 dated the 27th Sept. 1954).

downwards who were responsible for the construction of the houses as they have left service. They have only incidentally mentioned that the officers from Executive Engineer downwards who had carried on this work, have since left the Corporation service. This does not however imply that they feel that action could not be taken against them because they have left the service.

What they state is that there is no reason to take action against them because they had carried out the work under the instructions of Mr. Ferguson. The question, therefore, of taking steps as suggested by the Estimates Committee viz. of black-listing such officers for further employment under the Central Government or under any other State Governments does not arise.

[Ministry of Irrigation & Power O.M. No. 40. (15) DVC-54 dt. the 12th Feb., 1955.]

Further comments of the Committee on the reply.

*The Estimates Committee are not satisfied with the explanation given. Before they come to a final conclusion in the matter they would like to know:*

(a) *What was the total expenditure of the scheme*

The matter has again been clarified by the DVC. The information desired by the Estimates Committee is as below:

(a) The total expenditure of the scheme was Rs. 3,80,860/- for 56 houses in village Bachi and 89 houses in village Singrawan gunting was a part of the work as originally contemplated.

(b) As far as can be ascertained, Mr. Ferguson was not assisted by any other person in recommending the process for the gunting of the walls

and was guniting a part of the work as originally contemplated or was it a later addition? If the later, what was the extra cost involved!

(b) Whether Mr. Ferguson was assisted by any other person in recommending the process for the guniting of the walls.

(c) Where had Mr. Ferguson tried the method of guniting of mud walls before and what was the degree of success therein?

(d) Who approved of Mr. Ferguson's experiment and at what level was the decision taken?

[Lok Sabha Sectt. O.M. No. 143  
(1)-FC/55, dt. the 4th May, 1955]

8 18 Government should investigate thoroughly into the matter of supply of incorrect information by the late Ministry of W. M.P. to the Committee of the Cabinet and to the Estimates

(c) According to Mr. Ferguson, the process had been tried out by him in Jodhpur during 1946-48 in the construction of cheap houses by utilising Kankar lime and sand as the material. The same process has also been applied by him previously to form the lining of irrigation canals. As far as Mr. Ferguson knew, the results were satisfactory.

(d) The estimate for the work was technically sanctioned by Mr. A. de. Vajda, the then Chief Conservation Engineer, DVC. The experiment had the approval of the Corporation.  
(Min. of Irrigation & Power O.M. No. 40(15)-DVC/54, dt. the 6th Dec. 1955)

In addition to the views already communicated, Government would like to emphasise that the process of guniting had been tried before and found successful. Unless, therefore, there was a premonition of failure, the Corporation could not think of seeking further advice from any other quarters or insist on a demonstration before them. Moreover there was no time then for prolonged tests. Government have, however, pointed out to the DVC the necessity of adopting new methods of construction only after trial on a small scale by way of experiment.

(Min. of Irrigation & Power, D.O. No. 40(15) DVC/54, dt. the 6th July, 1956)

11 a note dated 11-9-1950 the then Secretary, W.M.P. Ministry made it clear that the actual notes submitted to the Estimates Committee had been prepared in a hurry on the material readily available and that he did not rule out the possibility of 'some inaccuracies and discrepancies'. This factual note having been submitted with the aforesaid rider, Government feel that at this distance of time,

Committee with regard to the appointment of Chief Engineer for DVC and take proper disciplinary action against the persons who were responsible for making wrong statements.

Comments of the Committee on the reply

*The explanations given by the Ministry of I & B that at such a distant date an enquiry is not likely to yield any concrete results and that the Ministry of W.M.P. having been dissolved, its officers have been transferred elsewhere are not acceptable. The officers concerned who supplied incorrect information with regard to the appointment of the Chief Engineer of the DVC may be in Government service and proper explanations should be called for from them. If decisions on such vital issues are taken on the basis of incorrect informa-*

*an enquiry is not likely to yield any concrete results. Moreover, that Ministry itself has been dissolved and its officers have been transferred elsewhere.*

*(Min. of Irrigation & Power, Letter No. 40(15)-DVC-54, dt. the 25th Aug. 1954).*

As regards issue of instructions concerning the manner in which such reports etc. intended for submission to the Cabinet should be prepared, we agree to the suggestion. To ensure accuracy such notes would be shown to the concerned project authorities for checking up facts and figures etc.

As regards obtaining the explanation of the Officer concerned, it may be stated that when the actual note was sent to the Estimates Committee, Shri B.K. Gokhale, the then Secretary, W.M.P. Ministry had clearly mentioned in the forwarding note that he did not rule out the possibility of some inaccuracies and discrepancies as the note had been prepared in a hurry and had not been shown to the DVC. Had the Estimates Committee protested against the supply of information in such a manner, he could have been asked to prepare a fresh note after verification. But that not having been done at that time, it is now considered that at this distance of time it may not be possible to collect evidence to fix responsibility for the inaccuracies on any particular officer, especially when the then Secretary, W.M. P. Ministry specifically mentioned that he did not



tion, serious harm might result. The plea put forth that "the information was supplied in a hurry on the material available" is quite untenable. In order to avoid such situations arising in future, Government should issue precise instructions as to the manner in which reports and factual data intended for submission to the Cabinet and the Parliamentary Committees should be compiled.

(Lok Sabha Sectt. O.M. 143(1)-FC/54 dated the 27th Sept. 54.)

Further comments of the Committee on the reply.

The Committee regret to note that the Ministry have tried to shift part of the blame on the Committee for the inaccuracies in their note saying that the Estimates Committee should have protested at the start. It is the Ministry's responsibility, to always furnish the correct facts and it is not for the Committee to point out to the Ministry what clearly is their obvious duty.

rule out the possibility of such inaccuracies and discrepancies. (Min. of I & P.O.M. No. 40(15)/DVC/54, dt. 12th Feb. 1955.)

The Ministry had no such intention of throwing the blame on the Estimates Committee. A copy of the instructions issued by the Ministry in this regard is attached (Appendix V).

(Min. of Irrigation and Power, O.M. No. 40(15)/DVC/54 dt. 6th Dec., 1955)

Government would like to add to their views already submitted to the Estimates Committee that they regret that the information furnished to the Estimates Committee was not later checked up and correct information supplied to the Committee. For the future Government would ensure that any information supplied at short notice and without full verification will be checked up immediately thereafter and the correct information furnished to the Committee.

(Min. of Irrigation and Power. D.O. No. 40(15)-DVC/54, dt. the 6th July, 1956.)

143(I)-FC/55 dated the 4th  
May, 1955)

The Committee do not see why it is inappropriate to lay down by statute the composition of the DVC. Board. Wherever necessary, the statutes do prescribe the composition of Boards. In any case, even if the com-

(Min. of I & P Letter No. 40(15)/DVC/54 dt. the 25th Aug. 1954).

**position is not specifically laid down by a Statute, there should be no difficulty in implementing it by executive orders.**

Comments of the Committee on  
the reply

***While it need not be insisted upon that the composition of the DVC Board should be laid down by the statute or by executive orders, it is emphasised that the recommendations of the Estimates Committee as contained in para 46 of their Fifth Report should be adopted by Government in practice when constituting such Boards.***

(Lok Sabha Sectr. O. M. No.  
143(I) Fc/54 dated the 27th  
Sept., 1954)

**Complete information in regard to the working of the DVC should be given to Parliament and its Committees.**

**Due consideration will be given to the recommendations of the Estimates Committee when constituting such Boards in the future.**

(Min. of Irrigation & Power O. M. No. 40(15)-DVC/54 dt. the 12th Feb., 1955).

**In their 9th Report, regarding State undertakings, the Estimates Committee have recommended :**

The State Undertaking should be considered as a separate entity from the administrative Departments concerned and should be given full measure of autonomy within the framework of the Statute and a careful watch should be kept to see that the Undertaking is fulfilling its role efficiently and properly as is assigned to it."

This has been the accepted policy of Government. The Central Government will supply to Parliament all reasonable information relating to DV Projects.

(Min. of Irrigation and Power letter No. 40(15)-DVC/54 dt. the 25th August, 1954).

Comments of the Committee on the reply :

The Ministry's comment that the Central Government will supply to Parliament all reasonable information relating to the Damodar Valley Projects is not satisfactory. The recommendation made by the Estimates Committee in para 27 of their Eighth Report is precise and definite and it should be difficult for Government to supply Parliament and its Committees papers and documents referred to therein. The Committee consider that DVC should furnish the Parliament and its Committees all reasonable information and

There seems to be practically no difference between the comments of the Ministry and the views of the Estimates Committee. The Estimates Committee desire that the DVC should furnish to Parliament and its Committees all reasonable information and such other information as may be called for from time to time. So far as the supplying of all reasonable information to Parliament and its Committees is concerned, the Ministry has always agreed to their suggestions. So far as other information is concerned the DVC has been supplying all such information to Parliament and its Committees as is being called for from time to time. It will be continued to be done, having regard to the statutory autonomous status of the DVC.

(Min. of Irrigation and Power O. M. No. 40(15)-DVC/54 dt. the 12th Feb. 1955).

*such other information as may be called for from time to time.*

*(Lok Sabha Sectt. O. M. No. 143(1) Fc/54 dated the 27th Sept. 1954).*

16                      28                      The committee regret to note that much delay has been allowed to take place in the implementation of the recommendation regarding the shifting of Headquarters of the DVC from Calcutta to the works itself.

The matter has been left to the DVC for a decision uninfluenced by political considerations. This has been endorsed by the recent conference of participating Governments at Calcutta. *(Min. of I. and P. letter No. 40(15)-DVC/54 dt. the 25th August, 1954).*

The Corporation have decided to retain their headquarters at Calcutta for another three years by which time the first phase of the project is expected to be completed.

*(Min. of Irrigation and Power O. M. No. 40(15) DVC/54 dt. the 12th Feb., 1955).*

NEW DELHI;

the 4th March, 1957.

BALVANTRAY G. MEHTA,

*Chairman,*

*Estimates Committee.*

## **APPENDIX I**

*(Vide S. No. 5, Chapter II)*

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Copy of letter No. E/G-60/54-8913, dated the 24th December, 1954 from the Damodar Valley Corporation to the Secretary to the Government of India, Ministry of Irrigation & Power.

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**SUBJECT:** Purchase of stores through the Director General of Supply and Disposals—Compliance with the decisions on the recommendations of the Rau Committee.

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I am directed to invite a reference to Sri Narayanaswamy's letter No. 40(15)-DVC/54, dated the 11th November, 1954 on the subject mentioned above and to say that the Corporation is purchasing through the Director General, Supplies and Disposals all materials covered by the 78E.S.D. rate contracts. Instructions have also been issued in July, 1954 to all the Field Engineers requesting them to foresee their requirements of other stores six months in advance of the actual requirements and to advise the Central Purchase Organisation at Calcutta of their requirements for such stores valued at more than Rs. 50,000/- so that the Agency of the Director General, Supplies and Disposals can be utilised in making such purchases. No indent for stores valued over Rs. 50,000/- of which the delivery is to be made after 6 months have however been received yet. The Director General's Agency will be utilised for all such purchases as and when occasion arises.

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## APPENDIX II

(Vide S. No. 117, Chapter II)

### Extracts of the decision taken by Government on the recommendations of the Estimates Committee made in its Fifth Report

Recom- mendation No.	Reference to para. No.	1	2	Progress of action
		1	2	
10	36	DVC have already studied the cost of production of Power at Bokaro and Tilaiya at full load and according to them Bokaro Power would be costing 0.42 annas per unit whereas Tilaiya power would be costing one anna per unit. The cost of production will be studied further after the entire power system of DVC has been commissioned and the results placed before Estimates Committee.		
11	38	The CW & PC had already undertaken a study of the percentages of overheads in regard to DVC and other projects and come to the following conclusions :		
				per cent.
		Damodar	.	.
		Bhakra Nangal	.	12.6
		Hirakud	.	6.0
		.	.	8.2

3

A further study was made in 1952-53 and the result was as follows :

	per cent.
Damodar . . . . .	8.3
Bhakra Nangal . . . . .	9.6
Hirakud† . . . . .	5.9

Due to further changes in the estimated cost of the DVC projects, another study has been taken up by the C. W. & P. C. based upon the latest figures. The result will be intimated to the Estimates Committee.

12(i) 40(i)

The final complete detailed estimates are awaited from the DVC. The CWPC (PW) will be asked to carry out the necessary investigations as required by the Estimates Committee on receipt of the final estimates.

17

55

The Corporation reviewed the return from the capital invested on the DV project in October, 1953 on the basis of the latest figures. 4.29% is expected as net revenue on capital outlay plus interest during construction.

18

135

There was difficulty in obtaining the services of a suitable team of officers for appointment to the Committee to examine the Stores procedure. This work has now been entrusted to the Committee that has already been set up to investigate rates of major items of work on river valley projects, in consultation with the Comptroller and Auditor General.



19. Yet, the Committee notice the same hesitancy as before in the approach of the authorities to the question of the full democratisation of local self-Government in Cantonments areas. They regret to find that at this stage of political development in the country, the authorities should still think in terms of conducting experiments in a matter of entrusting what is essentially a municipal administration to the elected representatives of the local population. The Committee are also distressed to hear the same old arguments based on the fear that if municipal administration was entrusted to the elected representatives of the people, it might interfere with the health and security of the troops stationed in the adjoining areas.

20. The Committee find it difficult to accept these arguments. The security aspect is fundamentally a defence responsibility and is present wherever the defence forces are stationed, whether in Cantonments or other areas, and whether temporarily or permanently. There is little that the municipal administration in the Cantonment towns can do to safeguard the security of the troops stationed in the military areas, which the military authorities will themselves find powerless to do. Even now, troops are stationed in certain areas of non-Cantonment cities like Bombay, Calcutta, Bangalore and Delhi. The Committee are not aware that the presence of a large civil population in those towns is considered injurious to the security of the armed forces stationed at those places.

21. As regards the health aspect, at present all direct measures regarding the health of the troops are controlled by the Defence authorities. It is only indirectly that the standards of public health and sanitation in the adjoining areas occupied by the civil population in the Cantonments could be said to affect the health of the troops. Even in this respect, while it might have been true, in the early stages when Cantonments were being developed, that the standard of sanitation and public health in the municipalities was generally not of a high standard, it is no longer true in the context of considerable development made in the municipal areas in all States in matters relating to medical, public health, and sanitation. There is little reason to look down upon the standards that could be provided by a civil administration as against those that the military Cantonment administration has provided in the Civil areas of the Cantonments.

22. The Committee, therefore, feel fully convinced that there is no justification for continuing the bureaucratic administration in the Cantonments. They feel that there is no necessity to experiment with parity or any process of democratisation in the constitution of Cantonment Boards. Even when the experiment was first made in a few Cantonments, it should have been extended in all cantonments as the first step in the process of democratisation. Even the fears about the security and health of the troops, which the Committee consider unfounded, need not have interfered with that process, since the Cantonments Act provided for sufficient safeguards. Section 52 of the Cantonments Act provides that the Officer-Commanding-in-Chief,

will have power of suspension, re-reference and veto over matters which are considered prejudicial to the health, welfare or discipline of the troops in the Cantonments. Such powers should amply secure the interests of the troops. The Committee, therefore, recommend that the Cantonments Act should be amended immediately to provide for the democratisation of the civil administration in the Cantonment areas. The strength of the Cantonment Boards which varies from three to 15 should be increased. The membership should be determined in relation to the population and should be based on well defined principles. The Officer Commanding the station may have powers to nominate one or two military officers to the Board, if necessary. One of them might be the Health Officer and the other, one of the Medical Officers or the Garrison Engineers. The Committee do not consider it necessary or desirable that the Officer Commanding the station should be a member of the Board. They are of the opinion that the President of the Board should be elected by the members from amongst themselves.

23. The Committee further consider that the powers of the Board should be comparable to the powers of the municipalities. For that purpose a comparative study may be made of the Constitution and powers of municipalities in those States, where local self-Government has progressed. The Central Government could take powers for issuing instructions in pursuance of national policy, plan or programme. The general control, which in respect of municipalities vests in the State Governments, may in respect of the Cantonment Boards vest in the Central Government. Also, if considered absolutely necessary in order to safeguard the interests of the troops, the Officer Commanding the Station or the G.O.C.-in-C. may have the powers to suspend any resolution passed by the Board for a specified period, the maximum to be laid down by law, and refer the matter to Central Government. The Central Government could have the powers to make a reference to the Board for reconsideration, or to veto the resolution. The Committee feel that such provisions would amply safeguard the Defence interests. Section 54 of the Act which gives powers to the Central Government to issue an order superseding a Board which is not competent to perform its duties, or persistently makes default in their performance, after giving a reasonable opportunity to the Board to show cause against such supersession, will ensure sufficient check against excesses or abuses of powers by the authorities. The Committee are convinced that there is no risk involved in the democratisation of Cantonment administration in the manner indicated by them.

### III

## FUNCTIONS OF THE CANTONMENT BOARD

24. The functions of the Cantonment Board are laid down in Chapter VIII of the Act. Under Section 116, it is obligatory for the Board to make reasonable provision, so far as the funds at its disposal permit, for various services like street lighting, watering, cleansing streets, constructing and maintaining culverts and markets, planting and maintaining trees, establishing public hospitals and dispensaries, and primary schools, etc. Section 117 lays down discretionary functions of the Board such as laying out new streets, constructing parks, gardens, dairies, and other works of public utility, furthering educational objects, giving relief during the local epidemics etc. Most of the succeeding chapters in the Act are intended to provide regulatory powers to the Board and its officers, to safeguard public health.

25. In most of the Cantonments, the emphasis appears to have been laid so far on the exercise of regulatory powers for safeguarding public health with the result that provision of civic facilities has not received due attention. The Ministry informed the Committee that with a view to bringing civic facilities in the Cantonments on par with those obtaining in Municipal areas, as far as possible, development plans were being prepared and that the plans involved huge amounts. While claiming that the standards of sanitation and public health were better in the Cantonments than in the municipalities, the representatives of the Ministry admitted that so far as primary education and medical facilities were concerned, Cantonments were lagging behind some of the major municipalities. Even in respect of roads, while certain roads exclusively used by military personnel were definitely better than the municipal roads, certain others controlled by the Cantonment administration were worse than the roads in the municipalities. At the request of the Committee, the Ministry have furnished a statement classifying the Cantonments into three groups according to the way in which the civic amenities provided by them compare with those in the adjoining municipalities (Appendix II). It is significant that only in ten out of 59 Cantonments it is claimed that the civic amenities are better and in 34, it is admitted that the amenities are poorer.

26. The following extract from the annual Administration Report of Cantonments for the year 1954-55 throws further light on the position:—

“The financial position of most of the Cantonments is not at all sound. Many lead only a hand to mouth existence and quite a good number depends on Central aid for maintaining their financial equilibrium. No major development projects have, therefore, been undertaken by

any of these Cantonments in the past. As a result, Cantonments lagged behind the desired standard in the matter of providing an adequate and wholesome supply of water, proper drainage scheme, sanitation projects, electricity and education etc. owing to the financial stringency and other defence commitments, aid from the Central Government has been given only for balancing budget estimates and financing very essential projects."

27. The Committee feel that this is a very unsatisfactory position. They would, in this connection, recall the role of the local bodies in Development programmes as envisaged in the First Five Year Plan. The framers of the Plan remarked that while the Constitution had provided for democratic institutions at the Centre and in the States so long as the local self-governing institutions were not conceived as parts of the same organic constitutional and administrative framework, the structure of democratic government would remain incomplete. They believed that representatives elected to Panchayats, Local bodies and municipalities were certainly in a position to express local needs and to suggest programmes of work for their respective areas. They, therefore, came to the conclusion that local self-governing bodies had a vital role to play in the field of development.

28. Considered in this light, the achievements of the Cantonment administrations, which are local self-governing bodies directly under the control of the Central Government, are very far from flattering. The Committee find that there was practically no programme in the First Five Year Plan for development in those areas, except in the last year of the plan when a sum of Rs. 44 lakhs was said to have been provided, out of which only a sum of Rs. 19 lakhs was actually utilised. In the first year of the Second Five Year Plan a sum of Rs. 30 lakhs has been provided for development projects in the Cantonments. The allotment of funds for various schemes in different Cantonment Boards is shown in Appendix III.

29. The Committee understand that no Cantonment Board has introduced compulsory free primary education so far, though in 39 out of the 59 Cantonments, free primary education in a few schools has been provided. A list of such Cantonments showing also the number of schools in which free primary education has been provided will be found at Appendix IV. Town development schemes or schemes for building low cost houses or middle-class houses do not exist in any of the Cantonments. The Committee were informed, that the possibility of having some of the schemes was being examined this year and it might be possible to introduce some of them next year. The Committee consider it unfortunate that local self-administration under the supervision and control of the Central Government should have such a poor record in the matter of development of civic facilities.

30. The Committee cannot help feeling that such shortcomings on the part of the Cantonment administration are inherent in the

system under which they work. The official majority in the civil administration cannot evoke the enthusiasm of the civil population and produce the leadership necessary for improving the conditions in the civil areas. The responsibilities of Municipal administration are so great and the problems of general administration and of management of Cantonment funds so diverse, that it is too much to expect a military officer, who can ill-afford to devote much time to such responsibilities and problems, to produce successful results. Even if he were to take them seriously they would necessarily interfere with his legitimate duties of training troops and administering purely army services. At the highest level, so far as the Ministry is concerned, in the midst of problems of defence which need anxious and careful consideration, the problems of local self-government and development projects in Cantonment area are not likely to receive much attention. Thus the Committee find that while municipal administration, town planning, development projects, educational and medical facilities etc. have made considerable progress in municipal areas controlled by various State Governments, so far as the Cantonments are concerned, the progress has lagged far behind. These factors raise the question whether the defence authorities and the Defence Ministry should be troubled at all with the responsibilities of controlling and guiding such local administrations. The question has been discussed in a later chapter. But the Committee feel that whatever might be the explanations for such a situation, as long as the responsibility for supervising the Cantonment areas lies with the Central Government, every attempt should be made to quicken the pace of development in the Cantonment areas. For the Defence Ministry or the Cantonment Board to function in a restricted manner as before, purely with reference to the Cantonments Act, concerning themselves more with the police or supervisory and regulatory functions and less with the welfare activities of local administration, will not be in conformity with the current concept of a welfare State.

31. The Committee would, in this connection, refer particularly to the question of free and compulsory primary education. When a Sub-Committee of the Committee visited the Poona Cantonment they understood that the Primary Education Act of the Bombay Government which extended over the entire State did not extend to the Poona Cantonment area. The resulting position was anomalous in as much as the civil population living in the Poona Cantonment which was as much part of the territory of the Bombay State as Poona City, did not enjoy the benefits of the Bombay Primary Education Act, whereas compulsory Primary Education was introduced in Poona city as early as 1st September, 1947. While on the one hand such a position was due to the view held that the State Government's enactment was not applicable in the Cantonments, on the other hand it was also due to the Central Government not taking steps to provide for the introduction of free and compulsory primary education in the Cantonment area. The Committee consider this as a very unsatisfactory position.

32. Article 45 of the Constitution lays down that the State shall endeavour to provide, within a period of 10 years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of 14 years. Education is a subject under the State list enumerated in the Seventh Schedule of the Constitution and the exceptions mentioned under entry 11 of the Second list do not appear to exclude education in Cantonment areas from the State list and responsibility. The Committee were, however, informed by the Ministry that since under Section 116 of the Cantonments Act, establishing and maintaining or assisting primary schools were some of the obligatory duties of the Cantonment Boards, no State law in relation to this matter had yet been made applicable to any of the Cantonment areas. They were also informed by the Director, Military Lands and Cantonments, that a Central Legislation on the subject was under consideration. Since the powers of the Central Government in respect of Cantonments are derived from entry 3 of the Union list which refers only to the delimitation of Cantonment areas, Local self-Government in such areas, constitution and powers within such areas of Cantonment authorities, and the regulation of house accommodation (including the control of the rents) in such areas, it appears that the Central Legislation referred to above will have to be in the form of an amendment to the Cantonment Act to give powers to the Cantonment Boards to introduce compulsory primary education. The Committee, however, do not wish to go into the merits of the legal question.

33. In this connection the Committee would refer to the following passage in the Second Five Year Plan in which certain steps that should be taken to implement the Directive Principle of State Policy has been discussed:—

“If the directive of the Constitution in favour of free and compulsory education up to the age of 14 years is to be fulfilled, Government’s resources will have to be supplemented in increasing measure by local community effort. In many countries the principal responsibility for providing elementary education rests with the local community. The State authorities encourage local effort by providing adequate grants-in-aid. Even in India for centuries the tradition was that most of the expenditure on education was met by the community. In recent years also local communities have come forward to make generous contributions in land, labour and money for the provision of school buildings. What is now required is, in addition, a contribution towards the cost of maintenance of schools, which will be steady and recurring, not merely sporadic or occasional. To enable local communities to shoulder in some measure the continuing responsibility which this implies, it is recommended that each State should consider enacting legislation to enable local authorities (including village panchayats), to levy a cess for education. The advantage of bringing in

this cess as a local measure would be that the responsibility and initiative of individual communities would be specially stressed and the people would know that whatever they contributed would be used for their benefit. A degree of flexibility in detail could be provided in the legislation, so that the example of communities which are progressive and forward-looking may stimulate others to similar action. The education cess could be related to appropriate State and local taxes such as land revenue, property taxes, etc., so as to enable different sections of the community to make their contribution."

It is evident from the above that the Plan has envisaged the implementation of the policy of Compulsory Primary Education through the instrumentality of the local authorities. The Central Government being responsible for local administration in Cantonment areas, it would be expected that they should have taken up this matter much earlier.

34. The Committee consider it unfortunate that this uncertainty about the responsibility for taking action in accordance with the Directive Principles of State Policy should have remained unresolved for nearly seven years out of the ten year period specified in the Constitution. They are anxious that there should be no disowning of responsibility on the part of both the State Government and the Central Government in this important matter and no further time should be lost in fulfilling the responsibility. The instance cited above, where the people living in an adjoining municipality have been getting the benefit of compulsory primary education for nearly ten years, whereas those in the Cantonment area have not yet got it, does not redound to the credit of those who are in charge of the affairs of the Cantonments. The Committee feel that a clear decision regarding responsibility in the matter should be taken immediately and very early action taken to implement the Directive Principle of State Policy referred to above. In so far as the responsibility for any subject of local administration is that of the Central Government, it should be so discharged that an example is set for others.

35. In connection with the legal question that has arisen in the matter, the Committee would suggest that the entire basis of the Cantonments Act should be examined in the light of the constitutional provisions. In a reply given by the Ministry, the Committee find the statement "Law and order is not a power of Cantonment authority under that Act. State laws in relation thereto apply to Cantonment areas. But establishing and maintaining or supporting public hospitals and dispensaries, and providing public medical relief and establishing and maintaining or assisting primary schools having been enumerated as obligatory functions of the Cantonment authorities under the Cantonments Act, no State Law in relation to these matters has yet been made applicable to any Cantonment area." The Committee are not convinced of the correctness of the line of

approach implied in the above statement. Rather than seeking to define the responsibility of the State Government with reference to what is excluded or included in a Central enactment, it would appear more reasonable to examine the validity of an existing or proposed provision in a Central or a State Act with reference to the scheme of federal distribution of powers laid down in the Constitution. There could conceivably be limitations on the powers and authority that the Central Government could confer on the Cantonment Boards as otherwise Cantonments could be converted into virtually Centrally Administered Areas. In this connection, a note furnished to the Committee by the Secretary of the All India Cantonments Association is given in Appendix V of the Report. The Committee would recommend that the entire matter should be very carefully examined by the law officers of the Government and the opinion of the Attorney-General should also be invited and a clear decision reached at an early date. They also suggest that if necessary, the opinion of the Supreme Court may be sought by the President in this matter, under the provisions of Article 143 (1) of the Constitution.



## IV CIVIL AREA COMMITTEES AND ASSESSMENT COMMITTEES

### (a) Civil Area Committees

36. Under Section 43 (a) of the Cantonments Act, it is obligatory on the Cantonment Boards to appoint a Committee, consisting of the elected members of the Board, the Health Officer and the Executive Engineer, for the administration of such areas in the Cantonment as the Central Government may by notification in the Gazette declare to be 'civil area'. The Cantonment Board may delegate its powers and duties to those Committees in the manner provided in Section 44 of the Act. The Vice President, who is elected by the elected members only, is the President of the Committee.

37. This section was inserted by the Amending Act of 1936 and was designed to secure that the administration of civil areas should, as far as possible, be left to the elected members of the Board. The Select Committee considered at that time that it was inappropriate to divest a statutory body like a Board, of any of its responsibilities. It, therefore, suggested that the constitution of Committees consisting of elected members only should be mandatory, trusting that their decision would, in practice, be respected and upheld by the official majority. It also expressed a hope that the Board as a whole operating with an official majority would delegate the widest possible duties and powers to those Committees. They were then called Bazar Committees and were renamed Civil Area Committees by the Amending Act of 1953.

38. It is of interest to refer to the following extract from the speech of the Commander-in-Chief delivered while introducing the Amending Bill 1936 in the Council of State:—

“We are recognising that there are areas in cantonments in which it may be said that the interests of the civil population are as great as, if not greater than, those of the army, I refer, of course, to bazar areas. We are introducing the experiment of making it compulsory for all the larger Cantonment Boards to appoint a Bazar Committee, containing a majority of non-official members, to deal with many matters that must arise from day to day in the administration of bazar areas. I must confess myself to some slight misgiving as to the success of this experiment. It will need a spirit of co-operation and a careful balancing of the interests on both sides to make it work properly; but one thing I must make quite clear. There can be no question of setting up two parallel and rival bodies to administer different parts of the Cantonment. These Bazar Committees

will be, and must be recognised as, committees of the Cantonment Board. They must derive their powers from the Cantonment Board, and the extent of their powers must be capable of variation by the Board in the interest of the Cantonment as a whole. If these committees work successfully in the interests of the health and sanitation of the bazar—in the interest of the public, and not of individuals—we shall welcome their co-operation and shall be only too glad to relieve the official members of the Board of a great deal of detailed work which, at present, is apt to occupy their time to the prejudice of their more strictly military duties. If, on the other hand, the result of their working is a deterioration in the standards of sanitation and public health in bazar areas, we shall have to reconsider the position.”

39. The Civil Area Committees were provided for in a grudging manner and the scepticism evident in the speech quoted above seems to have pursued its career. The Committee were informed that the main function of the Civil Area Committees was to recommend to the Cantonment Board the administration of civil areas. Considering the object mentioned in para 36 for which the civil area Committees were provided for, it is evident that making them mere recommendatory bodies could not possibly have served any purpose. A non-official representative, who appeared before the Committee, stated that from the year 1936 right upto 1953 no powers were delegated to those bodies. From the Annual Administration Report of Cantonments for 1954-55 it is seen that during that year, a directive was issued, as a result of a decision taken at the Conference of the elected representatives of the Cantonments to the effect that “Cantonment Boards should delegate their powers under the provisions of Sections 178(a), 179 to 185, 210 and 213 to the Civil (Bazar) Area Committees in respect of civil areas in order to enable them to carry on the administration of those areas as far as possible independent of the Boards.”

40. The Committee are glad that at least belatedly such action was taken. They do not, however, propose to make any specific recommendation regarding the further powers of this Committee, since they do not agree that democratisation should be introduced piecemeal in this manner, and since they have already recommended that the very structure of the Cantonment Board should be made fully democratic. In such an event, this secondary and ineffective substitute for democracy will not be necessary.

#### (b) Assessment Committees

41. Assessment Committees are appointed under Section 68 of the Act. The main function of this Committee is to prepare a list showing the valuation, monthly rent, etc., derived from the properties and to recommend to the Board the tax which is deemed reasonable to be imposed on such buildings or lands. Such lists are pub-

lished for the information of the public, and for inviting objections, if any. After all the objections have been disposed of, the Assessment list is required to be authenticated by the signature of the members of the Committee who at the same time are required to certify that they have considered all the objections duly made and have amended the list, as far as required, on such objections. Sub-Section 3 of Section 68 lays down that the objections shall be inquired into and investigated and the person making them allowed an opportunity of being heard either personally or through an authorised agent by the Assessment Committee appointed by the Board. Under Sub-Section 4, the Assessment Committee should consist of not less than three persons and it is not necessary to appoint to the Assessment Committee any member of the Board. The Committees act like semi-judicial bodies.

42. It has, however, been represented to the Committee that even the decisions of the semi-judicial Assessment Committees are not treated by the official elements with the respect they deserve. It was brought to the notice of the Committee that at Barrackpur Cantonment, the Executive Officer acting as Assessor prepared a new assessment list some time last year. Referring to that matter the Secretary, All India Cantonments Association, said "there was a good deal of public agitation and protest meetings in the bazar. They are reported in the 'Amrita Bazar Patrika', dated 29th July, 1955 (page 7) and 'Ananda Bazar Patrika' (Bengali), dated 22nd July, 1955 and 24th July, 1955. A responsible Committee consisting of one Officer member and one elected member of the Board and three public men, out of whom two were lawyers, were appointed. These five members spent a good deal of their time and after three months of hearing objections in the presence of the Executive Officer decided all objections unanimously. The assessment list was authenticated and notices to public were issued accordingly. But the Executive Officer, in a special meeting called at his instance on the 17th December, 1955, put the following on the agenda as item No. 4:—

'4. Reference section 71 (1) of the Cantonments Act, 1924.

- (i) To consider the question of amending the Assessment list by altering the assessment on properties, as per list put up on the table, which have been in the opinion of the Executive Officer assessed erroneously by the Assessment Committee.'

"However, the Board threw out the proposal with the following resolution:

- (1) After a lengthy discussion as to whether it would be proper to review the decisions of the Assessment Committee in the 39 cases recommended by the Executive Officer for review, a motion suggesting that the cases be reviewed was moved by Major M. E. Commissariat and seconded by Sri P. M. Puri. The motion was put

to vote and lost, the voting being 4 for the motion and 6 against the motion. The President, Major S. N. Tewari, and Mrs. K. E. Blackburn did not participate in the voting.

(All the 6 members voting against were elected members and four voting for were officer members. The proposer and seconder were also officer members.)'''

43. The Committee understand that subsequent to this resolution, a letter was immediately addressed to the G.O.G.-in-C of the Command and as a result the D.D.M.L. & C wrote to the Cantonment Executive Officer that the Board's notice should be drawn to the fact that members who had interest in the property should have abstained from voting on assessment thereon and to *ensure* that such members also refrained from voting, since certain members of the Assessment Committee were stated to have interests in the property in question. They further understand a special meeting of the Cantonment Board was called on the 28th January, 1956 at which there was a discussion but there was disagreement between the elected and official members, as a result of which six out of seven elected members walked out of the meeting. After that the official motion was stated to have been carried, and a new Assessment Committee was appointed.

44. The Committee find that in reply to a complaint on this matter addressed by the Secretary, All India Cantonments Association to the Ministry of Defence, the Ministry replied that "the matter has been thoroughly investigated by the Government and they do not find anything objectionable in the action of the Executive Officer in tendering his advice to the Cantonment Board and also in seeking advice and instructions from his official superior *i.e.*, the Deputy Director of Military Lands and Cantonments". The Director, Military Lands and Cantonments, referring to this incident also informed the Committee, that there were dissensions among the elected representatives themselves.

45. The Committee do not desire to go into the details of the various aspects of the particular case, particularly as they were told by the Ministry of Defence that the new Assessment Committee enhanced the assessment and the enhancement ranged from 10 to 84% of the previous assessment. But they cannot help feeling that the prevailing attitude as revealed from this instance is not in consonance with the democratic ideals that they would like to prevail. The assessment of property for taxation is purely a matter of Municipal administration over the civil areas and there does not seem to be any reason why there should be a bureaucratic approach to the question. The Committee realise that there could be difference of opinion about the assessment. But when a responsible body is set up, the implications of setting aside any decision reached by that body after

due deliberations should be realised. The Committee feel convinced that such unfortunate situations arise mainly because of the estranged relationships caused by providing a statutory official majority in a purely civic administration. Once the municipal administration over the civil areas in the Cantonments is democratised and the officers shed their bureaucratic approach and work towards the success of the democratic administration, such situations will resolve without causing bitterness.

## V

### FINANCIAL POSITION OF THE CANTONMENTS

#### (a) Income

46. A statement showing the financial position of the Cantonments as on 31st March, 1955 is given in Appendix VI. The Cantonments have been classified according to whether they are self-supporting or not. It is seen that out of the 59 Cantonments 25 are not self-supporting. The total ordinary grant-in-aid given to those Cantonments which are not self-supporting amounted to Rs. 12,40,161 in 1954-55 and over Rs. 10 lakhs in 1955-56.

47. The Committee have already pointed out that the financial position of most of the Cantonments is not sound and that many of them lead only a hand to mouth existence. Only 22 Cantonments held any investments at the close of the year 1954-55. Only in eight cases the amount of invested funds was of the order of one lakh or above.

48. The Committee observe that in a number of Cantonments unrecovered dues form a considerable proportion of their annual income.

<i>Name of Cantonment</i>	<i>Income during 1954-55</i>	<i>Dues to be recovered at the close of year</i>
Almora . . . . .	20,387	15,271
Clement Town . . . . .	59,572	17,242
Faizabad . . . . .	87,031	28,354
Landour . . . . .	47,000	11,573
Ambala . . . . .	13,56,763	2,08,416
Jammu . . . . .	68,684	33,384
Badamibagh . . . . .	61,376	46,700
Ahmednagar . . . . .	3,95,444	95,134
Kampttee . . . . .	1,03,722	59,606
Secunderabad . . . . .	11,64,867	1,18,688
St. Thomas Mound . . . . .	1,46,057	31,953

49. The Committee consider this position about large arrears of collection of taxes as very unsatisfactory. It is recalled in this connection that reviewing the collection of local taxes the Simon Commission remarked in 1930:

“The most disturbing feature is the failure to collect the direct taxes imposed. In Great Britain, the Municipa-

lity expects to collect up to 98 or 99 per cent taxes imposed by it and a drop in collection to 95 per cent. would be a subject of very close inquiry. But in the Municipalities in India, since the Reforms, uncollected arrears have been amounting upto very large sums."

50. It is unfortunate that the observation is true even at present in respect of several Cantonments. The Committee feel that the Government should prescribe a standard of collection and see that it is adhered to. For that purpose, the machinery of collection needs to be vitalised. Section 92 of the Cantonments Act provides that if any tax is not paid within 30 days from the service of notice of demand and sufficient cause is not shown for non-payment of the tax to the Executive Officer, the sum with all costs of recovery may be recovered by distress and sale of the moveable property of the defaulter. Since the system provides for sufficient effective powers to realise the taxes, the fact of large uncollected arrears may merely indicate slackness in collection. The Committee, therefore, recommend that in respect of every one of such cantonments, the special reasons for the arrears should be found out and suitable remedial action taken by improving the financial administration and the efficiency of the personnel.

#### (b) Grants-in-aid

51. The Committee understand that in cases where the actual closing balance is less than 10% of the minimum total expenditure required during the following year, excluding invested funds, ordinary grants-in-aid are given to make up the deficit. Special grants have also been allotted in the current year for financing projects like Irrigation, Education, Water Supply, Medical, Roads, etc. Besides the grants paid by the Central Government, the Cantonments also receive grants-in-aid from the State Governments for specific purposes. A list of grants, received by the Cantonments from the State Governments, is given in Appendix VII. A statement showing the total Defence Department's contribution towards the Cantonment areas as compared to the entire expenditure incurred on their administration is also appended (Appendix VIII). It is seen from the statement that the bulk of the Defence Department's contribution is in the form of grants-in-aid.

52. While the Committee realise the necessity to give grants in order to supplement resources wherever they are deficient, they feel that the grants should also take into account the level of the taxation in the Cantonments, the level of services provided for the expenditure and the wealth and prosperity of the inhabitants. In this connection the Committee would also draw attention to certain observations of the Local Finance Enquiry Committee which examined the question in 1951. Examining the grants-in-aid in India, the Local Finance Enquiry Committee said: "With a view to rationalise the entire policy of State assistance to Local bodies so that they may be enabled to meet any large responsibility in the domain of the nation

building activities like primary education, public health and communications imposed on them by the Constitution, it is necessary to evolve a workable basis or some rational formula for such grants (as in the case of educational grants in England) with reference to a number of factors, including the necessity for the services and an allowance for the wealth and prosperity of the area concerned. The greatest advantage of a 'formula grant' is that this method of calculation provides an amount for each of the services on the basis of data related to particular necessity of the year under its jurisdiction."

53. The Committee have already stressed the necessity of the Cantonment Boards taking up development and nation building activities. It would, therefore, follow that they should find the finances for such activities. This will have to be done partly by a process of rationalisation of their tax structure, of which further mention will be made in the succeeding paras and partly by gearing up their machinery for collection of taxes and reducing wasteful expenditure on administration. Still a considerable amount of the resources will have to be found by the Government and provided through grants-in-aid. This would mean allotment of a limited amount to meet the competing claims of different Cantonments. An equitable distribution of the available funds as grants-in-aid to the Cantonments will necessarily have to be based on some rational principles, which would take into account the level of services and the prosperity of the area.

54. The Local Finance Enquiry Committee also recommended that in preference to paying grants, local bodies should be assigned sources of revenue wherever possible. They recommended for consideration, the assignment of a portion of land revenue and the motor vehicles tax. They also recommended that a surcharge should be levied on stamp duties on transfer of immovable property, to be assigned for village panchayat as a special case. The Committee are not aware to what extent the different States have adopted these recommendations. However, they recommend that wherever proceeds of taxes levied and collected by States have been assigned to municipalities, the question of extending the same benefit to the Cantonments situated in the State should also be taken up, since in the matter of payment of State taxes, the civil areas in the Cantonment are in the same position as the areas in the municipalities.

55. A statement showing the nature of taxes levied in the Cantonments compared with those levied in the adjoining municipalities is given in Appendix IX. The Committee notice that in the matter of incidence of taxation, there are very wide variations between some of the Cantonments and the adjoining municipalities. In the case of Agra, Chakrata, Jhansi, Shillong, Dagshai, Jullundur, Kamptee, etc., the incidence of taxation in the Cantonments is very much higher than in the adjoining municipalities. In Chakrata in particular, the incidence is Rs. 73/10/10, whereas in the adjoining municipality it is only Rs. 5/7/7, even though the nature of taxes levied both in the Cantonment and in the municipality is identical. From a reference



to Appendix II, it is seen that in the case of Jhansi and Kamptee, even though the incidence of taxation in the Cantonment is higher than that in the adjoining municipality, the standard of civic amenities is poorer. In some other Cantonments like Clement Town, Jalapahar, Landour, Amritsar, Dalhousie, Delhi, Jammu, Ahmedabad, Ahmednagar, Jabalpur, Kirkee, etc. the incidence of taxation in the Cantonment is much lower than in the adjoining municipalities. In particular, in Clement Town the incidence is only Rs. 0.51 whereas in the adjoining municipality it is Rs. 4.60. A note received from the Ministry explaining the discrepancies in the incidence of taxation, referred to above, in respect of some of the Cantonments, is given in Appendix X. The Committee, however, feel that there should be a review and rationalisation of the taxation in the various Cantonments. For instance, in Ahmedabad the incidence of taxation in the Cantonment areas is only Rs. 11/4/2 as compared with the incidence in the city municipality area where it is Rs. 24/8/5. As against this the Ahmedabad Cantonment is being paid by the Government of India an ordinary grant-in-aid of about Rs. 40,000 annually to balance its budget. The Committee recommend that taking into consideration the services performed in both the Cantonments and the adjoining municipalities, the tax structure in Cantonments should be suitably revised so as to remove wide disparities in the incidence of taxation. The grants-in-aid should also be so regulated that there is no encouragement to such Boards as do not meet fully their responsibility for imposing taxation measures.

56. The Cantonment Boards have powers to initiate proposals regarding taxation but the imposition of the taxes has to be sanctioned by the Central Government. The taxes have to be of such nature as are imposed in any municipality in the State wherein the Cantonment is situated. Regarding the prior concurrence required in certain States for imposing taxes by municipalities, the Local Finance Enquiry Committee remarked:

“More than thirty years ago, the Government of India recommended that Municipalities and Rural Boards, with substantial elected majority which are not indebted to Government should have independent powers in respect of taxes which they are permitted by law to raise. As will be seen from the review made above of the existing position this recommendation has not been adopted by several States, even though the principle of election has been accepted so far as the constitution of local bodies is concerned. The position, therefore, is that while the initiative in regard to proposals for taxation lies with the local bodies, the power of sanctioning such proposals rests, in the majority of cases, with the State Governments. Responsibility thus gets blurred..... We think that where local bodies have not got independent powers of taxation they should be given such powers, subject to the maximum and minimum limits in each case to be prescribed by the Acts or the rules framed thereunder.”

The Committee have already recommended that the Cantonment Boards should be made fully democratic. They further recommend that after this is done it should not be made obligatory for the Boards to get the prior sanction of the Central Government for imposing municipal taxes. They should have independent powers of taxation as recommended by the Local Finance Enquiry Committee.

**(c) Borrowing**

57. The Cantonment Boards are empowered to raise loans as laid down under the Local Authorities Loans Act, 1914. Under the Act, loans are generally permitted for water supply, drainage scheme or for any other purpose approved by the Government. In the case of productive schemes, the rate of interest charged is generally  $4\frac{1}{2}$  per cent and the term of repayment generally varies from 20 to 30 years. The Government has powers to see that the Local Body makes proper provision in the budget for the repayment of principal and the interest of the loan and if it is found that adequate provision is not made, the Chief Executive Authority of the Local Body can be ordered to make the payment in question out of Local funds. The position of borrowings by Cantonment Boards is given in Appendix XI.

## VI

### MILITARY LANDS AND CANTONMENTS DEPARTMENTS

#### (a) Executive Officers

58. As observed earlier, the Director Military Lands and Cantonments advises the Military in respect of all matters relating to Cantonment administration. Under the Director, there are Deputy Directors, stationed in each Command, who advise the General Officer-Commanding-in-Chief, in all matters connected with the administration of lands and municipal affairs of the Cantonment Boards. The Executive Officer in the Cantonment is responsible through the Deputy Director at the Command level, to the Director at the Headquarters. He is the Secretary of the Board and of every Committee of the Board. For the purpose of management of military lands, the Commands are divided into Circles, each incharge of Military Estates Officer. In respect of lands within Cantonment areas, other than civil areas, the Executive Officer acts as an agent of the Military Estates Officer.

59. Before 1924, the entire Cantonment administration ultimately vested with the military authorities. The Cantonment magistrates, who combined in themselves both executive and judicial functions, were the mainstay of the administration. To meet popular clamour, a departure was made in the Cantonments Act, 1924. Referring to the reformation of the administrative system embodied in the Cantonments Act of 1924 General Lord Rawlinson said in the Council of State, "Honourable members, who have studied the report of the Select Committee of the Legislative Assembly, will have seen that that Committee made two recommendations as regards administrative matters, of which the first was that the ultimate control of cantonment administration under the reformed system should be exercised by the Government of India in the Army Department, and not by any executive military authority. They also recommended that the Executive Officer of the Cantonment, though he may be a military officer subordinate to the Army Department, should, like the Cantonment Magistrate of the present, be an officer in civil employ. . . . . We propose to carry out both these recommendations of the Select Committee. . . . . Finally we propose, if this bill is passed in its present form, to reserve a number of appointments of Executive Officers for Indian Military Officers; and if we succeed in obtaining suitable candidates in the first stages, this particular departure would be extended as circumstances permit." Later, by the Amending Act of 1936, the military officers were replaced by civilian executive officers. Introducing the amending bill, the then Commander-in-Chief said "We are replacing the old military official Executive Officers by a new service of civilian Executive Officers who will cost the taxpayer less and who will be recruited through the Public Service Commission. That, I think, is a reform which will be welcomed by this House".

60. At present, the Cantonment Executive Officers belong to a service known as 'Military Lands & Cantonments Service', which consists of class II and class I posts. Appointments to Class II posts in the service are made to the extent of two thirds by direct recruitment through U.P.S.C., from among candidates who compete in the combined competitive examination for the I.A.S. and class I Central services but who do not qualify for a class I service. One third of the posts is filled by promotion from the class III staff of the Military Lands and Cantonments Department and from the employees of the Cantonment Boards, provided suitable candidates are available. The Committee understand that the Executive Officers are trained for a period of six months, at the end of which they have to pass departmental examinations. The Executive Officers are eligible to be promoted as Military Estates Officers and also as Deputy Directors and Director. The Committee are informed that the grades of the Executive Officers posted to the various Cantonments do not follow the general classification of the Cantonments, but normally class I Officers are appointed to bigger Cantonments.

61. It has been represented to the Committee that the character and outlook of the administration should undergo a further re-orientation to suit modern developments. It has also been suggested to the Committee that the type of training given to the officers of this service is inadequate and does not equip them to fulfil the heavy responsibilities of municipal administration.

62. The Committee agree that in keeping with the progress of social and political outlook in the country the attitude of Executive officials associated with Local Self-Government bodies should also undergo a re-orientation. The history of the service, as pointed out above, indicates a danger of the traditions of the past conditioning their present attitude to democratic and social ideals. There should, therefore, be a conscious effort to break with those traditions. The Committee were surprised to learn that in a Memorandum submitted by the All India Military Lands and Cantonments Officers Service Association to the Patil Committee, in 1950, it was stated:

"It is an established fact that Cantonment administration, as now carried on, is much more efficient in every respect than provincial municipal administration under identical circumstances. It would, therefore, be a retrograde step to put the Cantonments under Provincial municipal administration. The lethargy and maladministration prevailing in the provincial municipal administration is a by-word throughout the country. The fact that even the largest municipalities in India including the Corporation of Calcutta have had to be superseded at one time or the other proves that democracy, so far as local self-government is concerned, is a failure due mainly to the selfishness of the city fathers and the ignorance of the electorate. We fervently hope, therefore, that the lessons learnt from the municipalities will not be repeated in the cantonments".

The Committee were also surprised to learn that the Association urged the reduction of the strength of elected members in the Board to 25 per cent, the abolition of the civil area Committee consisting of elected members and its replacement by an official standing Committee, the inclusion of the Executive Officer as a member in the Board and also the investment of the Executive Officer with the judicial powers of a magistrate. This, the Committee consider, is a most deplorable attitude on the part of civil servants who are supposed to assist a type of Local Self-Government. Considering the nature of the responsibility with which they are entrusted, such an attitude could be considered a sufficient justification to forfeit their claim to hold such responsible positions. The Committee can only hope that the outlook of these officers had undergone a material change since then. At the same time, they believe that it is also the responsibility of the Government to ensure the leadership and the initiative necessary to make every member of the administrative organisation controlled by them adhere to sound democratic principles.

63. The Committee do not wish to discuss the question whether there should be a separate cadre for the Military Lands and Cantonments Service Officers. Generally, in the case of local self-governments, there is a prevalent view in favour of bringing the municipal commissioners under a State Cadre. But in respect of cantonments, the question will lose much of its present significance, if the recommendations made in Chapter VIII are accepted. A further suggestion was made to the Committee that I.A.S. officers should be appointed as executive officers in cantonments. They do not consider this a feasible suggestion. The Committee would, however, point out that in any case the Executive Officers should be put through a comprehensive course of training, which should include a study of the problems concerning Local Self-Government, social welfare, town planning and development etc. The Committee do not consider the present course of training of six months, during which the trainees are attached to some Executive Officers, as satisfactory.

#### (b) Military Estates Officers

64. The Military Estates Officer is responsible for the management of lands in the entire Circle both inside and outside the cantonment. As far as the lands in the Cantonments are concerned, the Executive Officer acts as an agent of the Military Estates Officer. The Committee were informed by the Director of Lands and Cantonments that military Estates Officers were necessary because, as regards the Lands outside the Cantonments, it would not be possible for the Executive Officer to undertake to give leases, attend courts, remove encroachments and perform such other functions. The Committee observe that till the Cantonments Act, 1924 came into force, all lands in Cantonments were managed by the Cantonment Authority. The Cantonment Land Administration Rules, 1925, however, provided for the land administration to vest in a special Lands Officer. The Officer was to prepare and maintain Land Register of Mutations and a table of standard Rent. Later, the Amending Act of 1936 declared it as

one of its intentions to enable the Government to assume a direct management of Government land in Cantonments wherever necessary and to employ their own officers as military Estates Officers for that purpose. The Committee have discussed the problem of Land Administration in a subsequent Chapter. In the revised set up that the Committee envisage it is not necessary for the Central Government to assume direct control over all lands in the Cantonments. The work of the executive officers as well as that of the Military Officers will be considerably reduced if the reforms are carried out. In that event there will be no need to have the Military Estates Officers. Any remnant of work could be managed directly by the Commands.

## VII

### CANTONMENT LANDS

65. The land problem in the Cantonments was explained to the Committee by the Ministry of Defence as follows:

“A good deal of dissatisfaction with Cantonment administration is centred round the present system of land administration. The main criticism has been directed against the variety of tenures under which lands in Cantonments are held at present. These tenures are briefly described below. The restrictions which have existed since the past to regulate change of purpose, sub-division of site, transfer of properties from one party to another, erection or re-erection of buildings and encroachments etc. are also cited as measures of harassment and deemed arbitrary by holders of lands.”

“Lands in Cantonments are at present held by private persons under several forms of grants and leases, viz. under:—

- (a) Rules, regulations and orders issued from time to time by the Governments of Bengal, Madras and Bombay Presidencies and the competent military authorities between the years 1789 and 1899 in regard to grant of sites of lands in Cantonments now termed as ‘Old Grants Sites.’

Or

- (b) Leases granted under the provisions of Cantonment Codes of 1899 or 1912.

Or

- (c) Leases granted under the Cantonment Land Administration Rules 1925 and 1937.”

#### Old Grant Sites.

66. The various rules and regulations issued by the Military authorities and the Governments of Bengal, Madras and Bombay Presidencies between 1789 and 1899 were intended primarily to preserve the Cantonment lands for military purposes, to provide accommodation for officers and troops and to prevent such uses as would interfere with the health and security of the troops. It is interesting to note that some of the orders laying down the limits of the Cantonments directed that no more ground should be occupied than was indispensably necessary while there were also directions that all surplus Cantonment lands should be made over without delay to the local civil authorities. Many of the orders regulated allotment and the use of lands. Even though originally the allotments were intended to be made mainly for the purposes of building bungalows for the officers, as time went on, non-military persons were also permitted to reside in Cantonments under the regulations of the day.

67. The main condition attached while allotting land for occupation and construction of houses under the rules and regulations in force at the time was that the site remained the property of the Government at all times and was resumable on a month's notice and on payment of compensation for the authorised superstructures. The ground could not, however, be sold by the grantee. Buildings, etc. built thereon could not be disposed of to anyone who did not belong to the Army except with the previous permission of the Officer Commanding the Station. Further the sanction of Government to be obtained through the Commander-in-Chief was necessary to transfer possession to Indians if value of the house, buildings, or property to be transferred exceeded Rs. 5000.

68. There were a number of rules, regulations and orders issued from time to time in different Presidencies some of which applied to other provinces also and even in respect of what are collectively termed as "Old Grant Sites," there was a great variety of tenures.

69. The Committee consider it surprising, however, that even though a system of leases was introduced by the Cantonment Code, 1899 and extended by the Cantonment Code, 1912 and the Cantonment Land Administration Rules, 1925 and 1937, the "Old Grant Sites" continue to be governed by the terms of the Rules, Regulations or Orders under which they were originally granted. The magnitude of this incongruity would be understood from the fact that the extent of lands in Cantonments governed by such tenures was estimated by the Central Committee on Cantonments, 1949, to be about 90 per cent of the privately occupied lands in Cantonments.

70. Commenting on these Regulations, the Cantonment Reforms Committee, 1921, popularly known as Renouff Committee, said:—

"At the preliminary examination of the Act it was brought prominently to our notice that, besides the House Accommodation Act, there were other regulations dealing with house property in Cantonments namely, Army Regulations, India, Volume II, Appendix IV. The Army Regulations, we hold, are only directions and orders of the Commander-in-Chief which have no force of law. There seems to be, we think, considerable ground in the representation of the All India Cantonments Association that Army Regulations cannot be legally applied to house-owners in cantonments in the case of the veto of sale or transfer of house property, nor, we think, can they apply to other matters pertaining to immovable property.

We recommend, therefore, that all references to sites and buildings should be deleted entirely from Army Regulations and, such as are necessary, should be embodied in the House Accommodation Act. Though, it is in all probability, correct to presume that rules relating to sites granted under Army Regulations, India, have still force as regards houses which were subject to them originally, we are



of opinion that those rules would be better embodied in an appendix to the Act and thus made a legal instrument. It is, therefore, our unanimous recommendation that the House Accommodation Act should be made the only legislation relating to house property in cantonments."

## **Cantonment Land**

### **Administration Rules**

71. In spite of the recommendations of the Renouff Committee and even though the House Accommodation Act was passed in 1923 and the Cantonments Act in 1924, no consolidated enactment pertaining to lands in Cantonments was brought forward. Instead, the Cantonments Land Administration Rules were framed under the rule making powers conferred upon the Central Government by Section 280 of Cantonments Act, 1924.

72. The Cantonment Land Administration Rules, 1925, provided for the classification of Cantonment lands under three main groups. Lands required or reserved for specific military purposes were put under Class 'A'; those which were not so required or reserved but which had to be retained in the Cantonments for the effective discharge of the duties of the Government in respect of Army administration were grouped under Class 'B'; and those which were vested in the Cantonment authorities under Section 108 of the Act were called Class 'C' lands. Different forms were also laid down for leases of lands for different purposes and on varying terms. The executive management of Class 'C' lands as also such of those Class 'B' lands which were not actually occupied or used by a Government Department or Railway Administration was vested in the Cantonment Authorities. The management of all other lands was entrusted to the Military Estates Officers. Later, by the rules of 1937, (following an instalment of democratisation) the Cantonment Boards were divested of the management of Class 'B' lands and were left only with the management of Class 'C' lands.

73. The Cantonment Land Administration Rules, 1925 laid down specific conditions for the disposal of Cantonment lands. For the first time, building sites were to be granted by means of auctions to the highest bidder and not by private negotiations, as used to be done till then. However, lands could still be granted by private negotiations for reasons of public nature and for construction of a bungalow which would be suitable and always available for military officers. The following strange conditions were, however, prescribed in the lease when building sites were granted by public auction:

1. The land was to be granted for a period of 30 years, renewable at the option of the lessee upto a maximum of 90 years on payment of premium settled in auction and standard rent.
2. At each renewal, the rent payable was to be increased by 50 per cent.

3. The lessee was not to cut down any of the timber, fruit trees or other trees without the consent of the authorities.
4. The lessee was not to make any alterations in the plan or elevation of the buildings without the consent of the authorities.
5. The lessee was not to assign, transfer or underlet the premises without the written consent of the authorities and in case of transfer of interest he had to give notice within one month of the transfer.
6. At the expiry of the term of lease or the renewal, the lessee was to surrender the land with buildings peacefully to Government.

Agricultural lands were to be leased out by auction to the highest bidder for a term of four years or with special sanction upto ten years.

74. The Cantonment Land Administration Rules 1937 did not make substantial changes in the terms of leases. However, they laid down that in any case where a site was held without a regular lease, a lease in perpetuity could be granted on the application of the holder for a nominal premium of Rs. 5/- only without any rent being reserved.

#### **Present position**

75. The Central Committee on Cantonments, reporting in 1951, referred to the suggestion that some provision should be made whereby sites granted under old Presidency regulations on Cantonment tenure would be converted into lease-hold so that the respective rights of the Government and of the occupier could be more clearly defined. They added, "although it was explained that very few holders of Cantonment tenure lands were likely to come forward for the conversion of their tenures into lease-hold, we recommend that Government should consider the advisability of offering leases in respect of the old grant sites on suitable terms."

76. As regards the action taken on this recommendation, the Government informed the Committee as below:—

"This related to the advisability of offering leases in respect of the old grant sites on suitable terms. Rule 27 of the Cantonment Land Administration Rules, 1937, provides for such exigency. Applications for conversion of old grants sites into lease-holds are, therefore, always welcome, but there is hardly any case in which a grantee has shown interest in converting his site into lease-hold.

The Committee feel that this reply would indicate that no active steps were taken by Government to encourage such conversion.

77. The Committee have heard complaints that considerable harassment is caused to the residents of Cantonments in the use of property

In connection with certain specific cases brought to notice the Committee made enquiries from the Ministry regarding the general principles and the circumstances of the cases. The questions and the replies are reproduced in appendix XII.

78. Even assuming that in each of the cases, action had been taken strictly in accordance with the orders, rules, regulations or other conditions of the grant, the Committee cannot rule out the possibility of a genuine feeling of harassment in the minds of the property-holders. The conditions of the grants themselves appear to admit of executive interference which is likely to remain a constant source of irritation. The insecurity of tenure and the requirement of official sanction for sale, transfer or mortgage of property also leave considerable scope for arbitrary or irregular exercise of authority.

79. In this connection, the Committee would refer to the following assurances given by the Defence Secretary, on the floor of the Legislative Assembly in 1936, and would observe that perhaps the spirit of the assurances is not being observed uniformly in all cases, while taking executive action. Extracts from the speeches of Mr. G. R. F. Tottenham, in the Legislative Assembly, during the discussion on the Cantonments Amendment Bill, 1936, are given below:—

“In the first place, Government have decided not to bother any more about their claim to be the owners of land in Cantonment bazars. By that I do not mean that Government hereby formally relinquish their claim to be the owners of land in cantonments generally. What I mean in that Government do not intend to enforce that claim in bazars. They are going to remove their Military Estates Officers entirely from Bazars and they are going to hand over their rights in land—in bazars to Cantonment Boards to make what they like of them—and when I say Cantonment Boards, I mean naturally the Bazar Committee of those Boards if, as I hope, these Committees function successfully. . . . They will, under the provisions of this Bill be entitled to do what they have not been able to do hitherto, and that is to refuse the grant municipal sanction to the erection or re-erection of a building in a Bazar if they are satisfied that the building represents an encroachment, but whether they do or not will be entirely within their own discretion and they will not have to refer the matter to the Military Estates Officers.”

“I would like to make it clear that our object now in preventing people from cutting down trees and so on is simply to preserve the amenities of cantonments. We have no objection to the owner of a house cutting down a tree here or there if it interferes with his view or for some other good reason of that kind, but what we do object to is, when there are a number of nice trees in a compound, that the owner of the house should cut them all down and sell them for profit.”

80. The Government announced certain decisions in the matter of land tenure in Cantonments in a statement laid on the Table of the Lok Sabha on the 17th December, 1956 (Appendix XIII). According to the statement, holders of the old grant sites in civil bazar areas could obtain the ownership of such sites by paying appropriate conversion costs to be fixed by the Government of India with due regard to the situation and size of the area. It was also laid down that leaseholds could be converted into freeholds on payment of appropriate costs. Since then certain further decisions on the land policy in Cantonments are reported to have been taken by Government. These decisions, which were communicated to the Committee just when this Report had almost been finalised, are reproduced in Appendix XIV.

81. The Committee are by no means certain that the decisions referred to above will lead to a practical solution of the land problem. Unless the conversion cost is nominal, the response from the holders of the 'old grant sites' might be poor. As already pointed out, the 'old grant sites' account for nearly 90 per cent. of the privately occupied lands in the Cantonments most of which might have been held for periods varying between 50 to 150 years. Though at the time the land was originally granted, the cost of the land might have been very little, the present market value would have gone up very much. In the circumstances, there might be both inability and unwillingness to incur a heavy capital expenditure for acquiring the ownership of the land. Many of the small holders are more likely to acquiesce in the disadvantages of the unsatisfactory tenure than get it converted into freehold. The Committee feel that the chances of success might improve if sufficiently attractive terms were also allowed, *e.g.*

(a) Conversion into free-hold on payment of an amount which is fixed at a reasonably low figure;

*or*

(b) Recognition of the holders as lessees in perpetuity, on payment of a nominal premium, the other terms of the lease not being onerous for the lessee.

However, the Committee consider that the best guarantee for the success of any formula could only be that it should meet the realities of the situation and be in accordance with the popular will. The Committee would, therefore, recommend that to arrive at a workable formula, the Government should convene a conference with the representatives of the All India Cantonments Association, nominees of the elected members of the Boards from different regions, and members of Parliament having special knowledge of the subject. It should be the endeavour of the Conference to find an agreed solution, keeping in view the main objects of (a) providing a guarantee of tenure thereby ensuring an undisturbed possession of land (b) eliminating extra municipal interference in the enjoyment of property rights, and (c) providing for an orderly and planned utilisation and development of land. Having found such a formula, the Government should, if necessary, bring forward a legislation to end within a reasonably short period the multiplicity of tenures.

## Management of Lands

82. The Committee have already referred to the classification of lands under classes 'A', 'B' and 'C'. Class 'B' lands are further divided into four categories as below:—

- (i) Class "B" (1) Land, which is actually occupied or used by any department of the Central Government other than the Defence Department, or by a Railway Administration;
- (ii) Class "B" (2) land, which is actually occupied or used by or is under the control of any Department of provincial Government;
- (iii) Class "B" (3) Land, which is held by any private person under the provisions of these rules or which is held or may be presumed to be held under the provisions of the Cantonment Code of 1899 or 1912, or under any executive orders previously in force, subject to conditions under which the Central Government reserve, or have reserved, to themselves the proprietary rights in the soil; and
- (iv) Class "B" (4) Land, which is not included in any other class.

83. The management of class 'B' (1) lands vests in the department of administration in occupation of the land; and all the class 'B' (2) lands vest in the State Government in occupation or having control over the land. The management of class 'B' (3) and class 'B' (4) lands vests in the Military Estates Officer. Besides these, the Military Estates Officer is in charge of the management of that portion of class 'A' lands which is not actually used or occupied by the Military authorities, "but to the use or occupation of which for any other purpose, except temporarily, there exist specific military objections". As pointed out earlier, following the introduction of the principle of election for the appointment of non-official members to the Board of all the cantonments, the management of class 'B' (3) and 'B' (4) Lands was divested from the Boards and entrusted to the Military Estates Officer. The Committee do not see any convincing reasons why the management of the class 'B' (3) and 'B' (4) lands should not be vested in the Cantonment Boards.

84. The Committee have recommended in the next chapter that the ultimate goal should be to limit the connotation of the term 'Cantonment' to what it originally meant, *viz.* an area where the troops are quartered. The various Class 'B' lands which were originally retained in Cantonments contingently for military administration, but were allowed to be built upon and turned gradually into townships inhabited by civil population, would be of little practical use for military administration in the present context. The Committee would, therefore, recommend that first of all, a survey and a review

of all lands whether class 'A' 'B' or 'C' should be carried out to define clearly the lands which are required or need to be reserved for specific military purposes. Further, they recommend that all lands except (a) those demarcated as suggested above, (b) those which are under the occupation or use of any Government Department, should be managed by the present Cantonment Board or its successor authority. For the purpose of the management of lands, the Boards should be enabled to function in the manner of Town Improvement Trusts. A suitable formula regarding the sharing of the income from Government lands between the Cantonment Board and the Government may also be worked out, according to the needs of the circumstances.

85. With the implementation of this recommendation, the Executive Officers will cease to function as agents of the Military Estates Officers in respect of lands in Cantonments. It has already been suggested in para 64 of this Report that the posts of Military Estates Officers should also be abolished and the management of military lands outside the Cantonments done directly by the Command.

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## VIII

### DELIMITATION OF CANTONMENTS AND EXCISION OF CIVIL AREAS

86. Section 3 of the Cantonments Act, 1924 provides that the Central Government may by notification in the Gazette declare any place or places in which regular forces are quartered or which are required for the service of such forces to be a Cantonment. Section 4 provides that the Central Government may include any local area within a Cantonment area or exclude any area from a Cantonment. As already observed, the Cantonments consist of not only purely military areas but also, to a considerable extent, civil area. As early as 1924, the intention was expressed of "separating all the purely military area from the area in which the civil population, unconnected with the troops, resides and reconstituting the latter as a self-governing body under the civil administration. It was believed that where this was done the Cantonment would once more become, to a large extent, what it was originally *viz.* 'a military Camp' in which military interests can reign supreme without affecting the ordinary civic life of other sections of the community". The new system of Cantonment administration embodied in the Cantonments Act was intended for such cases in which separation was not feasible.

87. The question of excision of Bazar areas from Cantonment areas was raised in a letter from the late Defence Department to all Commands on 23rd May, 1938, but the matter was held in abeyance, as the war intervened. It was again taken up in 1949 in pursuance of a resolution passed by the Local Self Government Ministers Conference held on the 7th August, 1948, which recommended that the Central Government should, in consultation with the Provincial Governments concerned, appoint a Committee to examine the question of delimiting the areas of Cantonments and the desirability of amending the Cantonments Act. The Central Committee on Cantonments was accordingly constituted by the Government of India in January, 1949, and the Committee made their recommendations in November, 1951.

88. That Committee considered that in a great many Cantonments excision of the civil area was either not geographically feasible or the area was too small to form a separate local body by itself having regard to the needs and standards of civic administration. They grouped the Cantonments under three categories. Only Ambala was put in category I *viz.* that in which large areas redundant to the requirements of the army could be excised and formed into a separate local body. Category II, which specified those Cantonments in which the civil area was not large enough to constitute a local body by it-

self but could be merged in the adjoining body, included 17 Cantonments. Under category III, the remaining Cantonments were listed. A category-wise distribution, as recommended by that Committee, is given in Appendix XV.

89. The Committee find that even though the recommendations were made five years ago, very little progress has been made in the implementation thereof. Delimitation has been completed only in respect of the Delhi Cantonment. In respect of Agra, Ahmednagar, Allahabad, Benaras and Jhansi Cantonments, delimitation is stated to have been ordered. The Committee were informed by the representatives of the Ministry that in respect of Ahmedabad, Belgaum, Ferozepur, Meerut and Sagar no excision had been recommended by the Excision Committee. The annual report of the Director of Military Lands and Cantonments for the year 1954-55 stated that it had been decided to withdraw the Cantonments Act from Landour and Nainital, but they still continue to exist as Cantonments. The Committee understand that delay occurred in implementing the decision on account of certain difficulties about the disposal of buildings at Landour and about the location of army units at Nainital not being decided. The Committee feel disappointed with the pace of progress in this matter. The consideration by the Central Committee took three years and the implementation has made little progress in five years and it is not known when it will be completed. Even the decision, said to have been taken two years back after consulting the wishes of the local residents, has not been implemented yet.

90. In considering the question of the delimitation of Cantonments and excision of civil areas from Cantonments, the Committee find that there is an emphatic need to reconsider the very approach to the problem. The Committee observe that even though the questionnaire issued by the Central Committee on Cantonments was comprehensive and touched the fundamental problems relating to the Cantonment, except perhaps only the Land problem, the report took a very restricted view of the terms of reference to the Committee. The resolution of the Local Self Government Ministers Conference of 1948 to the effect that they recognised that for reasons connected with the security and the health of the troops the areas where troops are quartered should be under general control of the army authorities, appears to have been given a very wide significance. The Cantonments, as has been pointed out repeatedly in this report, are not just areas where troops are quartered but are townships that have grown up over a number of years into civil areas of considerable size. While no exception could be taken to the statement that the areas where troops are quartered should be under the general control of the army authorities, it would be unreasonable to stretch the principle to include large areas with considerable civil population who are unconnected with the stationing of troops.



91. To certain questions from the Committee, the Ministry have replied that in the United Kingdom, there are no Cantonments as such. In garrison towns in U.K. the control of all local administration (sanitation, sewer disposal etc.) is handled by the Civil authorities. If the facilities or the required standards are not available, those responsibilities are resumed by the military authorities. In U.S.A., "military posts are usually located near towns and cities but not within them. The post Commanders maintain friendly relations with city officials. The Commanders are responsible for the health and welfare of their troops and have authority to do those things necessary to discharge their responsibility, for example, to declare any civil area out of bounds for troops." If the security and health of the armed forces could be maintained in such circumstances in other countries, the Committee see no reason why there should be a different system in this country, which subjects the civil population to a kind of bureaucratic local administration. The Committee feel that the very justification for the continued existence of the Cantonments, as ordinarily understood, needs to be re-examined.

92. In order to appreciate the peculiarity of the growth of this system in this country, the Committee would refer to the following portion of the opening speech of Shri R. K. Ramadhyani, I.C.S. (then Joint Secretary, Ministry of Defence) delivered at the first meeting of the Central Committee on Cantonments:

"Cantonments as known in India developed from certain principal factors and in their present form they are connected with the past British regime. Accommodation was needed for quartering foreign troops (including troops of Indian origin but serving foreign powers) in occupation. There was neither accommodation nor space available within the existing towns to fit in with the requirements and ideas of the British Army. Obviously, therefore, they had to develop at some little distance from or adjacent to the main town which was, of course, the centre from which labour requirements, etc., could be drawn and which might also have been located on lines of communications. For reasons of sanitation which in many cases must have been in rather unsatisfactory condition in the past, with diseases like cholera, plague and small-pox endemic and causing great havoc during epidemics, it is easy to understand that cantonments had to be located at some little distance from the centres of indigenous population. At the same time the location of the cantonment at a suitable place outside the town must have been considered appropriate as facilitating control of the centres of population.

Cantonments when they started must have been essentially places where the troops and their officers were quartered but it was necessary at the same time to provide for the accommodation of many civilians who rendered services

to the troops within close proximity of the troops. This is the origin of the civil population in the existing cantonments apart from the population of such villages or hamlets as happened to be located actually in the area.

Another feature of cantonments as they were established in the past was that the land was either acquired or reserved by Government as Government property for the purposes of the troops. As time went on the civilian populations of cantonments increased. The increase was partly normal biological increase but some stimulus must also have been provided by the policy of making grants of land on favourable terms with a view to providing additional accommodation required for officers without expenditure from Government funds. In the course of time the needs of the civil population itself must have expanded and contributed to a further increase. It will be appreciated, therefore, that from what must have been more or less purely military areas the cantonments grew up to be 'permanent military towns' with a considerable civil population. In most cantonments the civilian areas of the cantonments can be seen as distinct from the areas occupied by troops, the training grounds, etc."

93. Further interesting light is thrown on certain aspects of the early development of this system, by the following passage from a book 'Protected Princes of India' by Lee Warner published in 1894.

"The British Government has the absolute right of occupying any military positions it deems fit in any of the protected States.....It is essential to the efficiency and safety of the army so cantoned, that it should be placed exclusively under British jurisdiction....The first step taken by the authorities on the occupation of a foreign cantonment is to mark off the land so occupied and define its limits. When it is done, full jurisdiction over all persons and things within the cantonment is asserted, without any further reference to the chief. British laws, which apply *proprio vigore* to British subjects or servants in foreign territory, of necessity follow the army itself into its cantonment. But the invasion of British jurisdiction goes further. The efficiency of an army depends largely upon the influence of surrounding circumstances. If intoxicating liquors are offered for sale without restriction by the subjects of the Native State living in the Cantonments limits; if the soldiers accoutrements are brought up by traders; or if sanitary arrangements are wholly neglected, and small-pox and other contagious diseases are left uncared for; the force which occupies a foreign cantonment would become useless for the duties of general defence. Accordingly,

....all persons resident, or found, within the cantonment are brought under subjection to British law and the Cantonment Courts”.

94. The Committee have no doubt that the system of Cantonments and their administration in India, of which there is no parallel elsewhere, was devised to suit the interests of a foreign colonial power and is completely anachronistic today in Independent India. It is not only in the present Cantonments but in various other places that the Government might have to station their troops, at one time or other. No objection could be raised to there being regulations to vest in the Defence authorities the control over specific areas where troops are quartered. But such quartering of troops whether temporarily or permanently should not interfere with the Local Self-Government of areas inhabited by civil population. As already observed, in the cities of Delhi, Calcutta and Bombay, armed forces and officers are stationed within municipal areas and it will be admitted that their health or security has not been jeopardised in any way. In fact, the question was raised in the Local Self Government Ministers Conference, 1948, in which the Government of Bombay suggested that there was no longer any need for a separate Cantonments Act and that the Act should be repealed. But the suggestion was not agreed to. The Committee feel that local government, being a subject relating to State administration, could be safely left to the States. If the army is stationed in areas contiguous to the municipalities it could be provided that the Commandant should be given representation in the Municipal Board. The right may also be reserved to the Commandant to refer any particular decision of the Local authorities which affect the health or security of the troops to the State or the Central Government as the circumstances may require.

95. The Officers and men in the armed forces are as much citizens of the country as any one else and there is no need to think in terms of insulating them from the effects of democratic local administration. They could be stationed permanently or temporarily in any place in the country considered suitable for the purpose. The defence authorities could continue to provide for all the civic amenities for the troops within the actual military area, and enforce all measures of security and discipline. A 'cantonment' in that event, would have its original connotation *viz.*, an area where the troops are quartered. The Cantonments Act in the present form would then cease to be applicable to any area in the country, and the entire paraphernalia of Cantonment Administration under the control of the Defence Ministry and the consequent expenditure from the Defence Estimates would also be eliminated. The army authorities would be relieved from the burden of running a civil administration, while the Defence Ministry would also be free from the anomalous obligations of fostering civic consciousness among town-dwellers, encouraging town planning and development, supervising the introduction of primary education and the provision of hospitals etc. for vast numbers of civil population. The unnatural division between classes of

citizens in civil walks of life living in the same State in adjoining areas, in the matter of receiving benefits from the State Government's development activities, would also then disappear. The Committee, therefore, recommend that abolition of Cantonments as commonly understood at present should be the goal and that with this end in view practical steps should be taken in consultation with the State Governments so as to reach it in the minimum possible period. They would like to add, however, that most of the other recommendations in this report are essentially of an interim nature which should be implemented immediately, till the salutary and overdue reform mentioned above is brought about.

## IX

### LANDS HIRINGS AND DISPOSALS ORGANISATION

96. The Lands Hirings and Disposals Organisation came into existence in December, 1944 under the control of the Quarter Master General's Branch and was made responsible for all hirings, requisitions, (as well as surrenders and derequisitions) of lands and buildings required by the Armed Forces within the territorial limits of India and for settlement or payment of claims of all types arising therefrom. Prior to its formation, these duties were being performed in the initial stages partly by the Engineers Service and partly by the Military Lands and Cantonments Service. With the expanding demand for properties for locating various Defence and other allied units and with a view to reducing the extra load of work on the military Engineering Service and the Military Lands and Cantonments Service, it was considered necessary to form a separate Lands, Hirings and Disposals Service. On 15th November, 1947, the control over this service passed from the QMG's Branch to the Ministry of Defence and the Directorate was made directly responsible to the Ministry of Defence. The organisation works in collaboration with the Military Engineering Service and Military Lands and Cantonments Service and deals with the Local Civil authorities like Collectors and Deputy Commissioners.

97. The organisation consists of a Director assisted by a Deputy Director and a Deputy Assistant Director at Headquarters (Delhi) and a Deputy Director at each of the Command Headquarters. The Deputy Directors at Command Headquarters are assisted by a number of Assistant Lands Hirings and Disposals Officers working both at Command Headquarters and at various out stations in the Command. A chart showing the organisation is given in Appendix XVI.

98. The requirements of all the formations and units in respect of lands and buildings are first considered at the sub-area, area and Command levels and after approval at appropriate levels, instructions are issued to the Lands Hirings and Disposals services for taking over or surrendering the requisite properties. Whenever Lands and buildings become surplus to the Defence service requirements, the Lands Hirings and Disposals Service is called upon to de-requisition or de-hire the property originally requisitioned or hired. The organisation also arranges for the disposal of war Department assets created on the properties or any improvements made to the property during the military occupation.

99. During the peak period *viz.*, 1st January, 1945, the Service was responsible for 17,067 properties, hired or requisitioned, the rental liability of which was Rs. 6,44,20,474 per annum. The establish-

ment of the service at that time was one Director General, two Directors, 14 Deputy Directors, 19 Assistant Directors, 29 Deputy Assistant Directors and 129 Assistant Lands Hirings and Disposals Officers. With the gradual reduction of work, the organisation has also shrunk. At present, the duties of the Director at the Headquarters and those of the Deputy Director at the three Commands are being performed by the Director Military Lands and Cantonments (at Headquarters) and the respective Deputy Directors of Military Lands and Cantonments (at the Commands). Also the duties of the Assistant Lands Hirings and Disposals Officers at Madras, Poona, Jabalpur, Lucknow, Agra, Meerut, Delhi, Jullundur, Jammu and Kashmir area and Headquarters 'W' station are being performed by the respective Military Estates Officers in addition to their own duties. Apart from these Officers, the Lands, Hirings and Disposals Organisation has now on its roll only 9 officers and 159 subordinate staff. The 9 officers are distributed among the Southern Zone (2), Western Zone (2) and the Eastern Zone (5). Of the 159 subordinates, 51 are in the Southern Zone, 59 in the Eastern Zone and 49 in the Western Zone.

100. The Committee observe that the process of derequisitioning or de-hiring the lands has been very slow. The position regarding the number of hired lands, requisitioned lands and requisitioned buildings during the past several years is given in Appendix XVII. The Committee understand that at present there are 224 requisitioned lands, the rental liability of which is Rs. 16 lakhs annually. Some of the requisitioned lands are held by the States on a temporary basis for rehabilitation of refugees and other purposes. The Committee were informed that there were a number of reasons why the work of de-requisitioning and de-hiring could not be carried out more expeditiously. It took considerable time to decide which of the lands were to be retained permanently, as the decision depended on the permanent location of army units. The Central Government and the State Governments who held some lands on a temporary basis had also not made up their minds regarding their permanent retention. When it was decided to dispose of some lands, the structures on the lands were auctioned but they were not fully removed and later there was litigation about the compensation to be paid.

101. The Committee find that the Requisitioning and Acquisition of Immovable Property Act, 1952 is to expire in March, 1958. Therefore, the properties requisitioned during the last war should, by that time, be either acquired out-right or released or converted into hirings towards that end. More concerted measures are necessary than have hitherto been taken to settle the question of permanent retention of lands as also the settlement of terminal compensation.

102. The Committee are informed by the Ministry that "on account of quick release of properties innumerable cases of compensation payable for occupation of such properties have cropped up." They understand that the requisitioning was done through the civil authorities. But the Civil authorities took considerable time to

assess the compensation and in about 80 per cent of the cases the final assessment of compensation was not given by the civil authorities. Special measures were adopted in the shape of appointing an *Ad Hoc* Committee in the State of West Bengal to settle by mutual negotiations the terminal compensation claims for buildings. A whole-time Law Officer was also appointed to conduct cases before an Arbitrator. In addition, all the State Governments concerned were requested to appoint suitable arbitrators where necessary to expedite finalisation of pending compensation claims both for lands and buildings and also to ensure early assessment of terminal Assessment Claim for Lands pending with the Collectors under their jurisdiction.

103. The Committee, however, understand that there is a great deal of discontent about the requisitioning and de-requisitioning of military lands. They are informed that requisitions are made on the understanding that after six months the property will either be acquired on full compensation or released; but once the property is taken over a decision is not reached for years. In some places, the lands have since been included in Corporation areas and the value assessed by the Corporation for purposes of taxes is very much higher than the amount of rent received by the owner from the military departments. It has also been represented to the Committee that inordinate delays take place in the settlement of compensation cases. It is believed that since the market value of the lands has gone up generally during the last few years and since the authorities will have to pay the market value if they acquire it now, they prefer to retain them as requisitioned lands and pay rent. It has been suggested to the Committee that in such cases at least the rent must be enhanced.

104. The Committee consider it essential that the doubts, suspicions and discontent in the minds of the public should be removed in respect of this matter. During emergencies there might be a need for the Defence Ministry to take over lands and buildings. Necessary powers are granted to requisition or acquire properties and occupy them at very short notice. But when the emergency is over there is undue slackness about restoring the properties to the owner or to take them over on payment of due compensation. The Committee feel that any element of arbitrariness should be completely eliminated from this process. Strict rules and regulations should be laid down to make the de-requisitioning and de-hirings of properties and payment of compensation reasonably prompt, after the emergency is over. There is no justification for an organisation like the Lands, Hirings and Disposals service, which was created specifically for an emergency, to continue to exist so long after the war ended. The Committee feel that unless stringent regulations are made and enforced, such matters have a tendency to drag on indefinitely, adding both to the discontent among the public and to the drain on the exchequer. The Committee, therefore, recommend that a review should be made immediately of the present position and practical

steps taken to reach decisions on all outstanding cases. The Lands Hirings and Disposals service should be wound up at a very early date and in any case not later than March, 1958 when the Requisitioning and Acquisition of Immovable Property Act, 1952 will expire

BALVANTRAY G. MEHTA,  
*Chairman,  
Estimates Committee.*

NEW DELHI;  
*The 16th March, 1957.*



# APPENDIX I

(Vide paras. 4 and 5)

## Statement showing population and classification etc. of Cantonments

Sl. No.	Name of the Cantonments	State in which situated	Civil population based on the census of 1951	Classification	No. of members	Areas (in acres)
1	2	3	4	5	6	7
EASTERN COMMAND						
1.	Agra . . . .	U.P.	33,638	I	15	2,843
2.	Allahabad . . . .	Do.	11,500	I	15	5,119
3.	Almora . . . .	Do.	522	III	3	169
4.	Banaras . . . .	Do.	4,732	II(c)	9	1,210
5.	Barrackpore . . . .	West Bengal	13,921	I	15	918
6.	Bareilly . . . .	U.P.	9,099	I	15	4,252
7.	Chakrata . . . .	Do.	1,139	III	3	3,949
8.	Clement Town . . . .	Do.	1,734	III	3	700
9.	Dehra Dun . . . .	Do.	11,610	I	15	5,264
10.	Dinapore . . . .	Bihar	10,911	I	15	3,840
11.	Faizabad . . . .	U.P.	4,226	II(c)	9	4,868
12.	Fatehgarh . . . .	Do.	4,341	II(c)	9	1,060
13.	Jalapahar . . . .	West Bengal	1,713	III	3	299
14.	Jhansi . . . .	U.P.	8,245	II(a)	13	4,567
15.	Kanpur . . . .	Do.	40,667	I	15	3,972
16.	Landour . . . .	Do.	1,444	III	3	718
17.	Lansdowne . . . .	Do.	2,678	II(c)	9	1,504
18.	Lebong . . . .	West Bengal	999	III	3	165
19.	Lucknow . . . .	U.P.	25,675	I	15	6,782
20.	Mathura . . . .	Do.	2,814	II(c)	9	2,701
21.	Meerut . . . .	Do.	55,921	I	15	8,816
22.	Naini Tal . . . .	Do.	743	III	3	637
23.	Ramgarh . . . .	Bihar	14,869	I	15	8,900
24.	Ranikhet . . . .	U.P.	5,514	II(b)	11	4,263
25.	Roorkee . . . .	Do.	1,150	III	3	2,038
26.	Sahjahanpur . . . .	Do.	2,958	II(c)	9	2,407
27.	Shillong . . . .	Assam	3,804	II(c)	9	594
WESTERN COMMAND						
28.	Amritsar . . . .	Punjab	2,484	III	3	1,046
29.	Ambala . . . .	Do.	77,164	I	15	9,330
30.	Badami Bagh . . . .	J. & K.	5,146			
31.	Bakloh . . . .	Himachal Pradesh	1,049	III	3	571
32.	Dagshai . . . .	PEPSU	1,045	III	3	820

1	2	3	4	5	6	7
33.	Dalhousie . . .	Punjab/Himachal Pradesh .	608	III	3	1,017
34.	Delhi . . .	Delhi	16,289	I	15	10,356
35.	Ferozepore . . .	Punjab	26,758	I	15	4,964
36.	Jammu . . .	J & K	7,250			
37.	Jullundur . . .	Punjab	18,969	I	15	3,861
38.	Jutogh . . .	Himachal Pradesh	523	III	3	350
39.	Kasauli . . .	PEPSU	22,805	II(c)	9	658
40.	Khas Yol . . .	Punjab	15,716	Varied Cantonment.		2,240
41.	Mhow . . .	Madhya Bharat	39,041	I	15	4,190
42.	Morar . . .	Do.				
43.	Nasirabad . . .	Ajmer	20,600	I	15	5,665
44.	Sabathu . . .	PEPSU	1,255	III	3	594
SOUTHERN COMMAND						
45.	Ahmedabad . . .	Bombay	4,389	II(c)	9	1,398
46.	Ahmednagar . . .	Do.	15,671	I	15	4,982
47.	Aurangabad . . .	Hyderabad	8,697	II(a)	13	2,374
48.	Belgaum . . .	Bombay	12,113	I	15	1,542
49.	Cannanor . . .	Madras	2,432	III	3	451
50.	Deolali . . .	Bombay	14,356	I	15	8,736
51.	Jabalpur . . .	Madhya Pradesh	19,539	I	15	6,600
52.	Kamptee . . .	Do.	3,204	II(c)	19	3,747
53.	Kirkee . . .	Bombay	32,505	I	15	3,283
54.	Pachmarhi . . .	Madhya Pradesh	3,682	II(c)	9	2,423
55.	Poona . . .	Bombay	46,589	I	15	3,443
56.	St. Thomas Mt. . . .	Madras	13,285	I	15	2,932
57.	Sagar . . .	Madhya Pradesh	13,792	I	15	4,040
58.	Secunderabad . . .	Hyderabad	57,790	I	15	9,150
59.	Wellington . . .	Madras	8,498	II(a)	13	1,648

## APPENDIX II

(Vide Para 25)

**Statement classifying Cantonments into three groups according to the way in which the civic amenities provided by them compare with those in the adjoining municipalities**

Names of the Cantonment Boards where civic amenities as compared with adjoining municipalities are :—

Better	At Par	Poorer
1. Aurangabad	1. Agra	1. Amritsar
2. Ambala	2. Ahmednagar	2. Allahabad
3. Chakrata	3. Almora	3. Ahmedabad
4. Ferozepore	4. Belgaum	4. Bakloh
5. Kasauli	5. Barrackpore	5. Banaras
6. Pachmarhi	6. Dalhousie	6. Badamibagh
7. Ranikhet	7. Dinapore	7. Bareilly
8. Roorkee	8. Deolali,	8. Cannanore
9. Shahjehanpur	9. Dagshai	9. Clement Town
10. Shillong }	10. Fatehgarh	10. Dehra Dun
	11. Jabalpur	11. Delhi.
	12. Jullundur	12. Faizabad
	13. Meerut	13. Jalapahar
	14. Sagar	14. Jammu.
	15. Subathu	15. Jhansi.
		16. Jutogh
		17. Kanpur
		18. Khas Yol.
		19. Kamptee
		20. Kirkee
		21. Lucknow
		22. Lansdowne.
		23. Landour
		24. Lebong
		25. Mathura
		26. Mhow
		27. Morar
		28. Nainital
		29. Nasirabad
		30. Poona
		31. Ramgarh
		32. St. Thomas Mt.
		33. Secunderabad
		34. Wellington

## APPENDIX III

(Vide para. 28)

### Development Projects in Cantonment Areas and Funds allotted for the purpose in 1956-57

	Rs.
<b>(A) Priority I—Irrigation :</b>	
(i) AURANGABAD . . . . . Extension and renovation of Irrigation channels . . . . .	15,000
(ii) DELHI . . . . . Establishing a farm at the trenching ground.	6,941
(iii) FATEHGARH—Tree-guards . . . . .	2,000
(iv) FEROREPORE—Canal water for irrigation . . . . .	20,000
(v) RANIKHET—Developing springs for obtaining increased supply of water for cultivation purposes . . . . .	20,000
(vi) WELLINGTON—Planting trees to avoid soil erosion . . . . .	2,200
	66,141
<b>(B) Priority II—Education :</b>	
(i) AGRA—Erection of 2 primary school buildings in Sadar Bazar and Sultanpura . . . . .	36,000
(ii) AHMEDABAD—Raising standard of school including sanitary annexe, furniture etc. . . . .	20,000
(iii) AHMEDNAGAR—Addition of 7 rooms for providing additional accommodation for introducing compulsory primary education . . . . .	36,000
(iv) BAKLOH—For erecting middle school section . . . . .	20,000
(v) BANARAS—2 rooms . . . . .	12,000
(vi) BAREILLY—Erection of a primary school building in R. A. Bazar . . . . .	14,000
(vii) BARRACKPORE—Erection of a primary school for 400 students . . . . .	45,000
(viii) CHAKRATA—Erection of a school building . . . . .	22,000
(ix) CLEMENT TOWN—Erection of a primary school building . . . . .	29,000
(x) DAGSHAI—Erection of a girls primary school . . . . .	12,000
(xi) DALHOUSIE—Erection of a primary school. A hall and a room for staff are not needed. A small store room and a smaller cooking training room should suffice . . . . .	34,000
(xii) DELHI—Erection of a primary school building for villages . . . . .	20,000
(xiii) DINAPORE—Erection of a primary school building for 660 students . . . . .	45,000
(xiv) FATEHGARH—Additional accommodation in Upper Primary Schools . . . . .	12,000
(xv) JALAPAHAR—Addition of one room for raising standard of school . . . . .	3,930
(xvi) JHANSI—Additional accommodation for introducing compulsory primary education . . . . .	25,000
(xvii) JUTOGH—Erection of additional accommodation . . . . .	8,000
(xviii) KIRKEE—Erection of a primary school building . . . . .	50,000
(xix) LANSLOWNE—Erection of a primary school building . . . . .	40,000
(xx) LEBONG—Erection of one room for raising standard of school . . . . .	4,490
(xxi) LUCKNOW—Erection of a primary school building . . . . .	35,000

	Rs.
(xxii) MATHURA—Erection of a primary school building . . . . .	37,200
(xxiii) MEERUT—Erection of a primary school building . . . . .	50,000
(xxiv) MHOW—Additional accommodation for introducing compulsory primary education . . . . .	50,000
(xxv) NASIRABAD—Expansion of existing school building . . . . .	12,000
(xxvi) RAMGARH—Erection of Lower Primary school buildings . . . . .	20,500
(xxvii) ROORKEE—Addition of 2 rooms—in Boys and girls schools . . . . .	9,600
(xxviii) SECUNDERABAD—One primary school building . . . . .	30,000
	<hr/> 7,32,720 <hr/>

(C) *Priority III (a)—Water Supply :*

(i) AHMEDABAD—Replacement of distribution system . . . . .	24,280
(ii) ALLAHABAD—Laying distribution system . . . . .	50,000
(iii) AMRITSAR— Do. . . . .	19,000
(iv) AURANGABAD—Filtration of water supply . . . . .	60,000
(v) BADAMIBAGH—Additional water stand posts in villages . . . . .	3,700
(vi) BAKLOH—10 additional stand posts . . . . .	3,000
(vii) BANARAS—Laying distribution system . . . . .	60,000
(viii) BELGAUM—Sinking of public wells . . . . .	6,000
(ix) BAREILLY—Installation of 4 water taps . . . . .	1,500
(x) CLEMENT TOWN—Installation of a well at the trenching ground . . . . .	4,568
(xi) DAGSHAI—3 additional stand posts . . . . .	1,180
(xii) DALHOUSIE—5 additional stand posts. . . . .	2,000
(xiii) DEHRA DUN—Hand-pumps in Kheri village, stand posts in Prem Nagar, Lohar Gali and Gandoowala, and replacement of pipes in Garhi . . . . .	5,782
(xiv) DELHI—Installation of 2 water stand posts in garden, 2 fire hydrants in Sadar Bazar, and repairing 6 wells in villages . . . . .	6,003
(xv) FATEHGARH—Laying distribution system in bungalow area . . . . .	10,000
(xvi) JAMMU—5 stand posts . . . . .	2,000
(xvii) JHANSI—Piped water supply in B. I. Bazar . . . . .	25,000
(xviii) JUTOGH—2 stand posts—near the Park and in the school . . . . .	250
(xix) KASAULI—Additional stand posts . . . . .	2,000
(xx) KHAS YOL—Additional stand posts and protection of spring . . . . .	7,250
(xxi) KIRKEE—Replacement of certain old branches of distribution system and installation of additional stand posts . . . . .	20,000
(xxii) LANSLOWNE—Conservation of water supply by afforestation and laying pipe lines to 2 latrines . . . . .	5,250
(xxiii) LUCKNOW—Improvement to distribution system . . . . .	30,000
(xxiv) MHOW—Replacement of distribution system and additional stand posts . . . . .	50,000
(xxv) NASIRABAD—First phase of water supply scheme . . . . .	1,74,000
(xxvi) RAMGARH—Erection of 4 wells . . . . .	1,32,000
(xxvii) RANIKHET—Development of springs . . . . .	25,000
(xxviii) ROORKEE—Additional water stand posts and water connections in bathing cubicles . . . . .	2,500
(xxix) SAGAR—Water supply scheme . . . . .	1,00,000
(xxx) SUBATHU—Additional stand posts . . . . .	600
(xxxi) WELLINGTON—Replacement of distribution system and provision of storage facilities . . . . .	20,000
	<hr/> 7,34,013 <hr/>

**D) Priority III (b)—Medical Facilities**

Rs.

(i) AHMEDABAD—Addition of a room and other improvements in dispensary . . . . .	8,332
(ii) BANARAS—Maternity and C. W. Centre with labour room, refrigerator . . . . .	20,000
(iii) BAREILLY—Female examination room . . . . .	1,500
(iv) DAGSHAI—Equipment for Laboratory, Microscope etc. . . . .	2,500
(v) DEHRA DUN—Addition of a female and maternity ward to dispensary . . . . .	20,000
(vi) DELHI—Laboratory room, repairs to hospital, purchase of instruments . . . . .	25,000
(vii) DEOLALI—Laboratory . . . . .	30,000
(viii) JABALPUR—Erection of a new I. D. Ward . . . . .	25,000
(ix) JAMMU—Dispensary with a maternity ward . . . . .	25,000
(x) JULLUNDUR—Operation theatre, with 2 small rooms (sterilising and Doctor) . . . . .	10,000
(xi) JUTOGH—Microscope, Weighing machine etc. . . . .	2,280
(xii) KASALI—Erection of a kitchen in Hospital. . . . .	25,000
(xiii) KHAS YOL—Purchase of medicines and equipment . . . . .	10,000
(xiv) KIRKEE—I. D. Ward . . . . .	25,000
(xv) LANSDOWNE—Disinfectant room . . . . .	21,800
(xvi) LUCKNOW—Equipment for labour room . . . . .	20,000
(xvii) MEERUT—Expansion of Operation theatre, additional labour room and improvement to maternity ward . . . . .	15,000
(xviii) ROORKEE—Dispensary building with ante-natal clinic . . . . .	18,500
(xix) ST. THOMAS MT.—Purchase of an ambulance . . . . .	12,000
	<hr/>
	2,94,412

**E) Priority III-(c)—Transport Facilities :**

(i) AGRA—Purchase of one Truck . . . . .	18,000
(ii) BADAMIBAGH—One tractor with 2 trailers . . . . .	16,000
(iii) JHANSI— . . . . .	16,000
(iv) KIRKEE— . . . . .	16,000
(v) LUCKNOW— . . . . .	16,000
(vi) NASIRABAD— . . . . .	16,000
(vii) ROORKEE—One watering lorry . . . . .	5,000
	<hr/>
	1,03,000

**F) Priority III (d)—Latrines :**

(i) AGRA—40 seats of fly-proof latrines . . . . .	13,000
(ii) AHMEDABAD—10 seats of fly-proof latrines . . . . .	3,250
(iii) AHMEDNAGAR—20 seats of fly-proof latrines . . . . .	6,500
(iv) ALLAHABAD—20 seats of fly-proof latrines . . . . .	6,500
(v) BADAMIBAGH—10 seats of latrines including cost of land . . . . .	6,860
(vi) BAKLOH—Fly-proofing 1 group latrine. . . . .	5,000
(vii) BAREILLY—Fly-proofing latrines . . . . .	4,680
(viii) CANNANORE—10 seats of fly-proof latrines . . . . .	3,000
(ix) CHAKRATA—Fly-proofing latrines . . . . .	1,600
(x) DAGSHAI—10 seats of fly-proof latrines . . . . .	2,260
(xi) DALHOUSIE—Fly-proofing latrines . . . . .	4,000

	Ra.
(xii) DEHRA DUN—Latrines in Balhimi Mohalla and Garhi village . . . . .	4,500
(xiii) FATEHGARH—10 seats of fly-proof latrines . . . . .	2,166
(xiv) FEROREPORE—40 seats of fly-proof latrines . . . . .	9,600
(xv) JULLUNDUR—64 seats of latrines . . . . .	4,800
(xvi) JALAPAHAR—Latrines in Jerebungalow area . . . . .	2,100
(xvii) JUTOGH—Erection of 10 seats of fly-proof latrines . . . . .	3,000
(xviii) KASAULI—Replacement of 7 CGI Sheet latrines and erection of 11 urinals (1st instalment). . . . .	4,940
(xix) KIRKEE—Additional latrines . . . . .	5,000
(xx) LEBONG—Installation of 4 taps near latrines . . . . .	400
(xxi) LUCKNOW—10 seats of latrines . . . . .	3,250
(xxii) PACHMARHI—10 seats of fly-proof latrines . . . . .	2,500
(xxiii) RAMGARH—Fly-proofing latrines . . . . .	3,000
(xxiv)—RANIKHET—Fly-proofing latrines . . . . .	3,000
(xxv) ROORKEE—12 seats of fly-proof latrines . . . . .	1,994
(xxvi) ST. THOMAS MT.—1 latrine with 2 urinals . . . . .	5,580
(xxvii) SHILLONG—Fly-proofing latrines . . . . .	5,000
(xxviii) SUBATHU—10 seats of fly-proof latrines . . . . .	3,100
	<hr/>
	1,20,640
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(G) Priority III-(e)—Urinals :

(i) ALMORA—2 urinals to be built on existing drains . . . . .	500
(ii) BANARAS— . . . . .	500
(iii) DAGSHAI—1 urinal on existing drain . . . . .	500
(iv) DELHI—2 urinals on existing drains . . . . .	1,000
(v) FATEHGARH . . . . .	420
(vi) JULLUNDUR—5 urinals on existing drains of simpler design . . . . .	1,250
(vii) JUTOGH—2 urinals on existing drains . . . . .	500
(viii) KIRKEE . . . . .	500
(ix) LUCKNOW—10 urinals on existing drains . . . . .	2,000
(x) SECUNDERABAD . . . . .	2,000
(xi) SUBATHU—2 urinals on existing drains . . . . .	500
(xii) WELLINGTON . . . . .	500
	<hr/>
	10,670
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(H) Priority III-(f)—Rubbish Bins:

(i) AHMEDNAGAR—100 pucca rubbish bin platforms . . . . .	1,500
(ii) DELHI—6 cemented rubbish bins in villages . . . . .	2,865
(iii) JUTOGH—4 rubbish bins . . . . .	200
(iv) LUCKNOW—Erection of pucca platforms in bungalow area and providing new dust bins in Cantonment . . . . .	1,360
(v) NASIRABAD—20 rubbish bins . . . . .	1,000
(vi) SUBATHU—2 pucca rubbish bins . . . . .	100
	<hr/>
	7,025
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*(I) Priority III-(g)—Miscellaneous :*

(i) AGRA—Levelling and fencing area around Fort . . . . .	10,000
(ii) CANNANORE—Culverts . . . . .	600
(iii) CHAKRATA—Cattle sheds at Kailana . . . . .	2,500
(iv) DALHOUSIE—Drainage for avoiding landslides . . . . .	50,000
(v) DEHRA DUN—Washing platform for filth carts . . . . .	790
(vi) DELHI—Slum clearance . . . . .	25,000
(vii) JALAPAHAR—Additional railings . . . . .	900
(viii) JUTOGH—Improvements to culverts . . . . .	200
(ix) LEBONG—Railing alongside certain roads . . . . .	800
(x) ST. THOMAS MT.—Sheds in cattle markets . . . . .	4,250
(xi) SUBATHU—Abnormal repairs to E.F. Buildings . . . . .	2,000
	<hr/>
	97,040
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*(J) Priority III-(h)—Drainage*

(i) ALLAHABAD—Drain in R. A. Bazar . . . . .	1,500
(ii) CANNANORE—Drainage . . . . .	5,000
(iii) CLEMENT TOWN—Drains in Bharuwala village . . . . .	1,625
(iv) FATEGARH—Drainage . . . . .	4,000
(v) FEROPZEPOR—Regarding drains in Sadar Bazar . . . . .	10,000
(vi) JAMMU—Drainage . . . . .	10,000
(vii) JULLUNDUR—Remodelling of drains . . . . .	5,000
(viii) KASAULI—Drains in Etawah village . . . . .	2,000
(ix) LANSDOWNE—Drains . . . . .	4,000
(x) LUCKNOW—Regarding drains in Sadar Bazar . . . . .	5,400
(xi) MHOW—Rebuilding 2,000 ft. drains . . . . .	10,000
(xii) NASIRABAD—Drains . . . . .	5,000
(xiii) RANIKHET—Drains . . . . .	5,000
(xiv) ROORKEE—Drain from School to Landhaura Road . . . . .	4,000
(xv) ST. THOMAS MT.—Drains . . . . .	4,000
(xvi) SECUNDERABAD—Drains . . . . .	4,000
(xvii) SUBATHU—Drains . . . . .	1,500
	<hr/>
	82,025
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*(K) Priority IV—Electrification of Roads*

(i) AGRA—Electrification of Grand Parade Road . . . . .	5,000
(ii) AHMEDABAD—Electrification of bye-lanes . . . . .	1,200
(iii) AHMEDNAGAR—Electrification of roads in civil areas . . . . .	3,000
(iv) ALLAHABAD—Electrification of un-lit roads in new Cantonment . . . . .	5,000
(v) BANARAS—Electrification of un-lit roads in civil areas . . . . .	3,000
(vi) BAREILLY— „ „ . . . . .	2,000
(vii) BELGAUM—10 Ordinary lights . . . . .	2,000
(viii) CLEMENT TOWN—Electrification of un-lit road . . . . .	3,000
(ix) DEHRA DUN—Installation of lights in areas at present un-lit . . . . .	3,440
(x) DELHI—36 lights on un-lit roads . . . . .	6,769
(xi) DEOLALI—Electrification of un-lit roads . . . . .	5,000
(xii) JALAPAHAR—2 sky-lights in School . . . . .	300
(xiii) KAMPTEE—Electrification of roads in Bazar . . . . .	2,000



	Rs.
(xiv) KASAULI—Electrification of un-lit roads in Civil Area/Main Cantonment . . . . .	4,000
(xv) KIRKEE—Electrification of lanes bye-lanes . . . . .	5,000
(xvi) LANSLOWNE—Electrification of Cantonment . . . . .	15,000
(xvii) LUCKNOW—Electrification of un-lit roads . . . . .	3,200
(xviii) RAMGARH—Installation of 36 additional lights . . . . .	2,500
(xix) ROORKE—Replacement of 20 wooden poles . . . . .	2,000
(xx) SECUNDERABAD—Electrification of un-lit roads . . . . .	5,000
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	78,409

(L) Priority V—Quarters :

(i) AGRA—5 quarters for harijans . . . . .	6,010
(ii) AHMEDABAD—3 quarters for harijans . . . . .	9,000
(iii) ALLAHABAD—3 quarters for harijans . . . . .	9,000
(iv) BANARAS—3 quarters for harijans . . . . .	6,000
(v) CHAKRATA—2 „ „ . . . . .	6,000
(vi) DELHI— 3 „ „ . . . . .	7,500
(vii) JALAPAHAAR—3 „ „ . . . . .	9,000
(viii) JHANSI—Remodelling/repairing quarters . . . . .	6,000
(ix) JULLUNDUR—4 quarters for harijans . . . . .	8,000
(x) KIRKEE—3 quarters for harijans . . . . .	6,600
(xi) LANSLOWNE—3 quarters for harijans . . . . .	9,000
(xii) LEBONG „ „ . . . . .	9,000
(xiii) LUCKNOW—6 quarters for harijans . . . . .	9,000
(xiv) MEERUT— „ „ . . . . .	9,000
(xv) NASIRABAD—2 quarters for harijans . . . . .	5,000
(xvi) RANIKHET—2 quarters for harijans . . . . .	3,400
(xvii) ST. THOMAS MT.—2 quarters for harijans . . . . .	5,000
(xviii) SHILLING—Enlargement of Harijan quarters . . . . .	5,000
(xix) SUBATHU—2 quarters for harijans . . . . .	6,000
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	1,33,510

(M) Priority VI—Roads :

(i) AGRA—Roads . . . . .	15,000
(ii) AHMEDNAGAR—Roads (2nd instalment) . . . . .	5,000
(iii) ALLAHABAD—Roads (New Cantonment) . . . . .	4,000
(iv) BANARAS—Roads . . . . .	10,000
(v) BARRACKPORE—Roads . . . . .	5,000
(vi) BELGAUM—Asphalting of roads . . . . .	12,000
(vii) CANNANORE—Roads . . . . .	5,000
(viii) DAGSHAI—Paving of roads . . . . .	5,000
(ix) DALHOUSIE—Metalling of roads and surface-dressing . . . . .	5,000
(x) DELHI—Laying pre-mix on Church Road . . . . .	10,000
(xi) DEOLALI—Concreting of bye-lanes . . . . .	6,000
(xii) DINAPORE—Roads . . . . .	20,000
(xiii) FEROPZEPOR—Road Roller . . . . .	20,000
(xiv) JALAPAHAAR—Kotwali Bazar Road . . . . .	5,000

Rs.

(xv) JHANSI—Roads . . . . .	10,000
(xvi) JULLUNDUR—Roads . . . . .	15,000
(xvii) KAMPTEE—Roads . . . . .	5,000
(xviii) KASAULI—Roads . . . . .	5,000
(xix) KIRKEE—Roads . . . . .	15,000
(xx) LANSDOWNE—Roads . . . . .	10,000
(xxi) LUCKNOW—Roads . . . . .	7,000
(xxii) MHOW—Roads . . . . .	10,000
(xxiii) NASIRABAD—Roads . . . . .	5,000
(xxiv) PACHMARHI—Metalling roads in Dafai Mohalla . . . . .	3,000
(xxv) POONA—Roads . . . . .	10,000
(xxvi) RAMGARH—Roads . . . . .	5,000
(xxvii) ROORKEE—Roads . . . . .	2,000
(xxviii) SAGAR—Roads and lanes . . . . .	10,000
(xxix) SECUNDERABAD—Roads . . . . .	5,000
(xxx) SUBATHU—Roads . . . . .	3,000
	<hr/>
	2,47,000
	<hr/>

## APPENDIX IV

(Vide para 29)

### List of Cantonments and the number of Schools in which free primary education has been provided

S. No.	Name of Cantonment	Whether Board provides free primary education from its Funds
1	Agra . . .	Yes. 10 Primary Schools.
2	Allahabad . . .	Yes. 1 High and 3 Primary Schools.
3	Ahmedabad . . .	Yes. One primary School for both boys & Girls.
4	Ahmednagar . . .	Yes. 4 Primary Schools.
5	Almora . . .	No School.
6	Amritsar . . .	Yes. One Primary School.
7	Ambala . . .	Yes. 11 Primary Schools.
8	Aurangabad . . .	No. Primary Education is imparted by State Government. The Cantt. Board gives grants of Rs. 1100/-.
9	Bakloh . . .	Yes. One Primary School.
10	Badamibagh . . .	No. Free Primary education in School is imparted by State Government.
11	Banaras . . .	Yes. One Primary School.
12	Barrackpore . . .	No.
13	Barcilly . . .	One Primary School for boys and one for girls. Free education upto Class III only.
14	Belgaum . . .	Yes. 2 Primary Schools.
15	Cannanore . . .	No.
16	Chakrata . . .	Yes. 1 Primary School both for boys & Girls in which free primary Education to girls & to male students for 1st and 2nd Classes is imparted.
17	Clement Town . . .	No.
18	Dagshai . . .	No. Rs. 1,500/- are paid to the State Government as contribution.
19	Dalhousie . . .	Yes. One Primary School.
20	Delhi . . .	Yes. 2 Primary Schools —also gives grant to 3 private Schools to the extent of 90% of the total expenditure.
21	Dehra Dun . . .	Two Primary Schools for boys and one middle School for girls. Fees are charged in the Boys' Schools and no fee is charged in the girls' school.
22	Deolali . . .	Yes. 4 Primary Schools.
23	Dinapore . . .	Yes. 2 Primary Schools.
24	Fyzabad . . .	Yes. 1 Primary School.
25	Fatehgarh . . .	Yes. One Primary School.
26	Ferozepore . . .	Yes. One Primary girls school.
27	Jabalpur . . .	No.
28	Jalapahar . . .	Yes. One Primary School.
29	Jammu . . .	No.

S. No.	Name of Cantonment	Whether Board provides free primary education from its Funds
30	Jhansi . . .	Yes. 3 Primary Schools.
31	Jullundur . . .	Yes. One girls Primary School.
32	Jutogh . . .	Yes. One Primary School (almost free).
33	Kamptee . . .	Yes. One Primary School.
34	Kanpur . . .	Yes. 7 Primary Schools.
35	Kasauli . . .	Yes. One Primary School.
36	Kirkee . . .	Yes. 3 Primary Schools.
37	Khas Yol . . .	Yes.
38	Landour . . .	No.
39	Landsdowne . . .	No.
40	Lebong . . .	Yes. One Primary School.
41	Lucknow . . .	Yes. Four Primary Schools.
42	Mathura . . .	No.
43	Meerut . . .	No.
44	Mhow . . .	Yes. Two Schools.
45	Morar . . .	No.
46	Nainital . . .	No.
47	Nasirabad . . .	No.
48	Pachmarhi . . .	Yes. One Primary School.
49	Poona . . .	No.
50	Ramgarh . . .	Yes. 2 Primary Schools.
51	Ranikhet . . .	Yes. 2 Primary Schools.
52	Roorkee . . .	Yes. One Primary School. The Board also gives grant-in-aid to a Private Girls school which imparts Primary Education to Girls.
53	St. Thomas Mt. . .	No.
54	Sagar . . .	Yes. Two Primary Schools.
55	Secunderabad . . .	No.
56	Shahjahanpur . . .	Yes. One Primary School.
57	Shillong . . .	Yes. One Primary Schools.
58	Subathu . . .	No.
59	Wellington . . .	Yes. One Primary School.

## APPENDIX V

(Vide para 35)

### **A note on Cantonments Act, 1924 and its conflict with the Constitution of India**

#### *All India Cantonments Association*

Pursuant to the Chairman's questions regarding the conflict between the Provisions of the Cantonments Act and the Constitution of India, I have now given thought to the problem and present the results of my study to the Estimates Committee in this note.

1. It is clear that the majority of the provisions of the Cantonments Act are seriously in conflict with the provisions of the Constitution of India. Whereas it is emphatically declared in clause 3 of Article 246 of the Constitution that it is only the State legislature which has exclusive power to legislate on matters enumerated in List II, what we find is that in the Cantonments Act, which is an Act of the Union Parliament, provisions continue to be inserted which relate to matters specifically enumerated in List II. It is, however, no answer to say that because entry 3 in Union List I general words like, "local-Self-Government in Cantonments and the constitution and powers within such areas of Cantonment authorities" are mentioned as Union subject, they cover the specific subjects assigned to States. It is well known rule of construction of the statutes that the general words must give way to the specific. If, therefore, a matter is specifically within the jurisdiction of the State, it does not come within the Union jurisdiction by words of general import. Rather the general words "power of Cantonment authorities" mean only those powers on which the Union Parliament can legislate and which are enumerated in list I and list III. It follows, therefore, that matters mentioned in list II cannot be made the subject of legislation by Union Parliament, and execution by the Executive authorities of the Union Government.

2. Now let us take up some of the items in list II and study how this conflict arises. These items are grouped under three main heads:—

- (i) Taxation matters;
- (ii) Functional matters; and
- (iii) Matters relating to Fundamental Rights or Directive Principles.

First as regards taxation matters, list II-State List-contains following entries:—

Entry 49:—Taxes on lands and buildings.

Entry 52:—Taxes on entry of goods into a local area, for consumption use or sale therein.

Entry 56:—Taxes on goods and passengers carried by road or on inland waterways.

**Entry 57:—Taxes on Vehicles, whether mechanically propelled or not, suitable for use on roads including tram-cars subject to the provisions of entry 35 of List III.**

**Entry 58:—Taxes on animals and boats.**

**Entry 59:—Tolls.**

**Entry 60:—Taxes on professions, trades, callings and employments.**

**Entry 66:—Fees in respect of any of the matters in this list, but not including fees taken in any court.**

Now so far as these eight categories of Taxes are concerned their imposition, procedure of collection, and other incidental matters can be regulated by a Law of the State Legislature. Not only that, by virtue of Article 162, the Executive Power of the State shall extend to these matters. This being the position, Sections 60 to 105 (or Chapter V) of the Cantonments Act became void of the Constitution. If so, the taxes levied by the Cantonment Boards on Civilian Population under Cantonments Act: namely (1) House tax, Conservancy Tax, or Water tax on the basis of annual value of lands and buildings in Cantonment Areas, (2) Trades and Profession taxes on various persons following the enumerated Trade and professions; (3) Octroi and Terminal taxes or toll levied on entry of goods or passengers in such areas; (4) Taxes on hired vehicles like Tongas, Gaddas, rickshaws and Cycles; and (5) Fees on Picketing animals and Trade Licence fees, are all *ultra vires* and illegal and cannot be collected. Besides, the Executive authority over these taxes cannot be vested in the G.O.C.-in-chief or the Ministry of Defence, because of the Provisions of Article 162. Not only that, the Penalty and Procedure provided, in sections 61 to 105 of the Cantonments Act cannot be enacted by Union Parliament. Hence these sections ought not to find a place in the Cantonments Act.

3. Then as regards functions of the Boards, list II enumerates the following matters to be within the exclusive jurisdiction of State Legislatures and State Executive authority. They are—

**Entry 5:—Local Government etc.**

**Entry 6:—Public Health and Sanitation :—  
Hospitals and Dispensaries.**

**Entry 7:—Pilgrimages other than Pilgrimages to places outside India.**

**Entry 9:—Relief of the disabled and unemployable.**

**Entry 10:—Burials and Burial grounds; cremations and cremation grounds.**

**Entry 11:—Education.**

**Entry 12:—Communication.**

**Entry 16:—Pounds and the prevention of Cattle Trespass.**

**Entry 17:—Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the Provisions of entry 56 of List I.**

**Entry 18:—**Land, that is to say, rights in and over land, land tenures including the relation of land-lord and tenant, and the collection of rent; transfer and alienation of Agricultural land, land improvement and agricultural loans; colonization.

**Entry 25:—**Gas and Gas works;

**Entry 28:—**Markets and Fairs.

**Entry 31:—**Inns and Inn-keepers.

**Entry 32:—**Theatres and dramatic performances.

All these matters have been legislated upon in Cantonments Act which is an Act of Union Parliament as follows:—

(a) It is strange that although local Government (outside Cantonment limits) is a State subject under Entry 5 of List II, yet provision exists in Section 286 of the Cantonments Act for extension of certain Chapters of that Act to areas outside Cantonment limits, and thus bringing those areas for such puposes under the jurisdiction of Cantonment authorities. In fact action has been taken under this section to bring village areas in the neighbourhood—as in Deolali Cantonment and Delhi Cantonment—for limited purposes only within the jurisdiction of Cantonment authorities although they are not actually delimited Cantonment areas. This provision (Section 286) is clearly *ultra vires* of the Constitution.

(b) Then items mentioned in the entries 6, 7 and 10 of State list are legislated for in Chapter X, sections 128 to 178 and some clauses of section 116 and 117 of the Cantonments Act. Hence they also seem to be void of the Constitution.

(c) Again Section 116 (Sub-section m), Section 117 (Sub-section d) and Section 117 cannot be inserted in Cantonments Act in view of entry 11, the State List II.

(d) At the same time Chapter XIII relating to Water Supply etc. from sections 217 to 234B in the Cantonments Act are *ultra vires* in view of Entry 17 of List II—State List, and Provisions of Chapter XII from section 198 to 208 are *ultra vires* of entry 28. Then there are provisions in section 118 which conflict with entries 16, 31, 33 etc.

4. Not only that, the Cantonments Act seeks to curtail certain Fundamental Rights of citizens residing in Cantonments, and hurdles in the way of enforcement of certain Directive Principles.

**Section 239.—**(i) In this connection attention is first invited to section 239 of the Cantonments Act which empowers the officer Commanding the station to order the exclusion of any person from Cantonment area, of course on the plea that the person is seditious. I feel that this provision is the very negation of Right to Freedom guaranteed by Article 19 clause 1(d) and (e). It does not impose reasonable restriction. It outright asks the man to reside in the area. Further it may infringe against Article 21 also because it deprives a man of some of his personal liberty without due trial.

**Bengal and Bombay Regulations.**—(ii) Then there are provisions in Bengal Regulations and Bombay Regulations (Governor General's Order No. 179 of 1836 or Bombay General Order dated 7th May, 1838) under which owners of property can be deprived of their rights in Cantonments without due process of Law, which are in conflict with clause 2 of Article 31 as amended by the Constitution (4th Amendment) Act, 1955.

**Education.**—(iii) Then Article 45 provides for free and compulsory education to all citizens of the country upto 14 years of age as a directive principle of the State. The question arises which Government will accept this responsibility, the State Government or the Union Government. Already Bombay State has refused to shoulder this responsibility in view of education being the duty of the board under section 116 of Cantonments Act, although Education is mentioned in list II and we know that all Cantonments are within the State boundaries. If the State Governments refuse then Education being State subject the difficulty will arise as to which Primary Education Act will apply in the cantonment areas. Will the Union Government have a separate Act for these areas?

**Other amenities.**—(iv) Similarly with regard to provision of Cottage Industries under Article 43, or making effective provision for securing right to work, public assistance in cases of unemployment, old age, sickness, disablement etc. under article 41, who will act within Cantonment limits. The Union Government or the State Government? The States will refuse to do so as the Cantonments Act remains enforced in what are at present called Cantonments.

5. Thus the remedy lies in what we have unanimously suggested to the Committee namely that the power to delimit the Cantonment areas is to remain with the Union Government evidently in the interest of the Defence of the country but such delimitation must be confined to the areas satisfying the dictionary meaning of the word 'Cantonment' as being a quarter assigned to troops. Within such areas of course all provisions for troops, like housing for both ranks and officers, water supply, Electric Supply, Roads, education of Soldiers and their sons, medical relief and the rest of it, must as at present be continued to be provided by Defence services estimates. Roughly such areas correspond to what are demarcated as "A" lands in Cantonments and not the larger towns which the Britishers called cantonments and which include "B" and "C" lands also. If any extension of these "A" areas are needed certainly the Central Government must have powers in view of the provisions relating to delimitation of Cantonments being a Union subject. Within such restricted cantonment areas what authorities will function and how should also be a Defence matter, and thus must continue to be regulated by the Union Government. This is being done even now say in 'Colaba' in Bombay City, or Fort Zone or Ballygunge in Calcutta City. But the local Government of areas outside this narrow zone, strictly speaking Cantonment area, be discontinued to be a Cantonment. It will thus automatically come for Local Government purposes in List II entry 5 and consequently the State Government Municipal or other Act will be applied to them, and various taxes will be imposed under them, and services rendered.



6. In fact this view is supported by the very words of entry 3 as it stands in List I—Union List. The words 'delimitation of Cantonment Areas' mean nothing other than that any where in the country, may be in a town, in villages, in Jungles and on hills the Union Government may decide to quarter the troops, and it can do so by limiting that area as Cantonment. The words that follow in entry 3 Union List namely "Local Self Government in such areas" mean that the Central Government can create Local authorities and vest in them some powers for Administration of these troop—quartered areas in addition to the Central departments already in existence. Thus the words "the Constitution, and powers within such areas of Cantonment authorities" cannot by any stretch mean Cantonment Boards or Local Bodies. The word authorities have been used to signify official Organisation and not a Democratic Body—A Panchayat, like Cantonment Board. And the powers are naturally those of providing local service to troops. As under different circumstances different type of authorities may be needed the Union Legislature can regulate the same, I am trying to show that these words are to be distinguished from words, used in corresponding entry 5 of State List, where the words used are more specific in as much as they state that "Local Government, that is to say, the Constitution and powers of Municipal Corporations, Improvement Trusts, District Boards, Mining Settlement authorities, and other local authorities for the purpose of Local Self Government or Village Administration," is a State subject. The words "other Local authorities" for the purpose of Local Self Government cover Cantonment Boards or any other Local Body whose purpose is to carry on Local Self Government. This is very different from words Constitution and power within such areas of Cantonment authorities. These latter words it is submitted do not carry the import of what is usually considered Local Bodies.

I feel, therefore, that no time be lost in delimiting Cantonment Areas to be roughly "A" lands in Cantonments and the rest to be brought within the State jurisdiction.

(KIDAR NATH)

M.A., LL.B.

*Honorary Secretary.*

*Dated the 24th December, 1956.*

## { APPENDIX VI

(Vide Para 46)

### List of Cantonments showing income, expenditure and balancing grants

Sl. No.	Names of self-supporting Cantonments	Names of Cantonments which are not self-supporting	Ordinary grant for balancing Budget 1954-55	Total income 1954-55	Total Expenditure 1954-55
1	2	3	4	5	6
1	Agra . . .	..	..	5,95,481	5,72,664
2		Ahmedabad . .	43,775	1,49,277	1,73,737
3		Ahmednagar . .	87,918	3,95,440	3,51,771
4		Allahbad . .	14,033	2,52,634	3,01,519
5		Almora . . .	8,478	20,387	16,729
6		Amritsar . .	35,378	64,251	64,714
7	Ambala . .	..	..	13,56,763	13,78,487
8	Aurangabad . .	..	..	1,94,043	2,24,208
9		Bakloh . . .	15,956	63,826	50,810
10		Badamibagh . .	..	61,377	52,721
11	Bararas . .	..	..	86,290	84,921
12		Barrackpore . .	36,147	3,09,945	2,88,220
13	Bareilly . .	..	..	2,05,063	2,23,577
14	Belgaum . .	..	..	3,11,621	2,88,945
15		Cannanore . .	4,259	31,563	32,655
16	Chakrata . .	..	..	1,35,485	1,59,517
17	Clement Town . .	..	..	59,572	61,530
18		Dagshai . .	44,975	60,899	66,982
19	Dalhousie . .	..	..	48,624	51,786
20		Delhi . . .	81,878	4,44,296	4,45,109
21		Dehra Dun . .	..	1,27,132	1,45,110
22	Deolali . .	..	..	6,28,126	6,21,964
23	Dinapore . .	..	..	1,85,425	2,08,303
24		Faizabad . .	21,161	78,031	91,192
25	Fatehgarh . .	..	..	51,658	56,275
26	Ferozepore . .	..	..	5,23,678	4,83,901
27		Jalapahar . .	10,754	44,245	42,927
28	Jhansi . .	..	..	3,00,890	2,72,240
29	Jammu . .	..	..	68,684	87,998
30	Jabalpur . .	..	..	4,51,858	4,87,418
31	Jullundur . .	..	..	6,33,612	7,250,776

1	2	3	4	5	6
32		Jutogh . . .	18,201	39,803	40,639
33	Kamptee . . .	..	..	1,03,722	1,06,103
34	Kanpur . . .	..	..	5,16,116	5,36,375
35		Kasauli . . .	30,710	1,38,543	1,36,730
36	Kirkee . . .	..	..	5,58,118	6,44,678
37		Khas Yol . . .	40,538	71,267	59,835
38	Landour . . .	..	..	47,000	47,500
39		Lansdowne . . .	45,261	1,53,456	1,35,863
40		Lebong . . .	15,914	45,628	40,925
41	Lucknow . . .	..	..	4,03,525	4,18,418
42	Mathura . . .	..	..	66,227	81,384
43	Meerut . . .	..	..	9,12,142	9,81,268
44	Mhow . . .	..	..	6,22,363	7,48,425
45	Naini Tal . . .	..	..	39,362	32,461
46		Nasirabad . . .	74,694	3,34,966	3,36,447
47		Pachmarhi . . .	25,800	81,314	78,713
48	Poona . . .	..	..	14,09,731	14,55,395
49		Ramgarh . . .	82,365	1,55,231	1,71,889
50		Ranikhet . . .	21,836	4,35,072	3,57,083
51	Roorkee . . .	..	..	86,935	1,01,119
52	St. Thomas Mt. . . .	..	..	1,46,057	1,33,747
53	Sagar . . .	..	..	1,98,118	2,35,561
54		Secunderabad . . .	4,53,036	11,64,867	12,02,720
55	Shahjahanpur . . .	..	..	62,610	61,731
56	Shillong . . .	..	..	1,21,968	91,133
57		Subathu . . .	27,094	60,724	58,111
58	Wellington . . .	..	..	1,35,923	1,35,176
59	Morar . . .	..	..	..	..
TOTAL . . .			12,40,161	1,60,51,965	1,65,60,985

# APPENDIX VII

(Vide para 51)

## Statement showing the Financial Help received by Cantonments from State Government during the First Five Years.

Sl. No.	Name of Cantonment	Purposes for which Financial help received.	1951-52	1952-53	1953-54	1954-55	1955-56
1	2	3	4	5	6	7	8
1	Ambala	(i) Education . . . . .	25,976 0 0	28,599 0 0	22,289 0 0	41,679 0 0	29,013 0 0
		(ii) Construction of School Building . . . . .	..	..	..	10,000 0 0	..
2	Subathu	(i) Treatment of Nalagarh State Patients . . . . .	100 0 0	100 0 0	250 0 0	250 0 0	250 0 0
		(ii) Treatment of Postal Staff . . . . .	100 0 0	100 0 0	100 0 0	100 0 0	100 0 0
3	Dagshai	Ditto. . . . .	..	..	..	..	..
4	Kasauli .	Maintenance of Hospitals . . . . .	2,800 0 0	2,800 0 0	2,800 0 0	2,800 0 0	2,800 0 0
5	Jammu .	.. . . .	..	..	..	..	..
6	Ferozepore .	*See below S. No. 29.					
7	Agra .	Education . . . . .	..	..	..	..	8,475 4 0
8	Jutogh .	Rendering Medical Services to Punjab Government Servants residing in Cantonments. . . . .	500 0 0	500 0 0	500 0 0	400 0 0	..
9	Banaras .	Cantonment Primary School . . . . .	..	..	..	..	1,385 0 0
10	Belgaum .	Primary Education . . . . .	4,910 0 0	6,185 13 0	6,826 0 0	3,978 0 0	2,124 0 0

11	Fatehgarh	Cantonment Upper Primary School.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	735	0	0
12	Chakrata	(i) School	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
		(ii) Cattle Pound	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
13	Secunderabad.	Equipment and Upkeep of the Cantonment Hospital Bolarum	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
14	Meerut	(i) Higher Secondary School, Meerut	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
		(ii) Cattle Pound Fines	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
15	Mathura	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
16	Cannanore	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
17	Ahmednagar School	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
18	Faizabad	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
19	Amritsar	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
20	Aurangabad	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
21	Saugor	(i) Magisterial Fine	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
		(ii) Reimbursement of loss under Cattle Trespass Act.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
		(iii) High School—reimbursement of loss of fees	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
		(iv) Reimbursement of loss from Vehicle Tax on Motor Vehicles	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
22	Jabalpur	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
23	Deolali	(i) Tolls under Bombay Vehicle Taxation Act, 1935	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

1	2	3	4	5	6	7	8
		(ii) Hackney Carriages (Share of Public Conveyance Fund)	84 13 0	84 13 0	84 13 0	68 0 0	68 0 0
		(iii) Education—(a) Primary	11841 14 0	13521 12 0	14031 6 0	17491 0 0	15640 0 0
		(b) Secondary.	9,011 4 0	9,611 10 0	8,077 10 0	10,800 0 0	9,585 0 0
		(iv) Local Fund Cess (2/3rd share)	2,640 2 6	..	3,311 13 0	1,310 14 0	101,640 5 0
		(v) Hospitals	1,000 0 0	998 0 0	1,000 0 0	1,000 0 0	1,000 0 0
24	St. Thomas Mount	..	..	..	..	..	..
25	Jhansi	(i) Compensatory Grant for loss Motor Vehicle Tax	310 0 0	310 0 0	310 0 0	310 0 0	310 0 0
		(ii) Reimbursement of loss under Cattle Trespass Act	3,111 0 0	3,840 0 0	2,647 0 0	2,973 0 0	1,2687 0 0
		(iii) Primary School	..	..	..	..	1,687 0 0
26.	Kamptee	(i) Cattle Trespass Act	2,546 15 0	2,618 6 0	2,790 7 0	3,597 13 0	2,472 3 0
		(ii) Education	350 0 0	35 0 0	1,065 13 0	2,082 10 0	2,160 13 0
		(iii) Motor Vehicle Tax	—	—	237 0 0	79 0 0	79 0 0
					(For 3 years)		
27	Wellington	(i) Education	3,242 0 0	3,214 0 0	3,653 11 0	3,685 4 0	3,552 13 0
		(ii) Toll Compensation	2,385 0 0	2,385 0 0	2,385 0 0	2,385 0 0	2,385 0 0
		(iii) Entertainment Tax	7,692 0 0	3,886 14 0	1,870 0 0	3,821 3 0	4,327 7 0
28	Shillong	Vehicle Taxation Act	2,000 0 0	2,000 0 0	2,000 0 0	3,510 0 0	4,000 0 0
29	Barrackpore	(i) Police Contribution to C.G.H.	4,220 0 0	4,500 0 0	17,400 0 0	9,000 0 0	9,000 0 0
		(ii) Countervailing Grant in lieu of Cattle fines	1,409 0 0	1,436 0 0	4,404 0 0	3,041 0 0	2,121 0 0

26	Perozepore	(i) Education	15,080	0	0	11,593	0	0	12,499	0	0	16,497	0	0	14,229	0	0
		(ii) Upkeep of Church Memorial Garden	400	0	0	400	0	0	400	0	0	400	0	0	400	0	0
		(iii) Upkeep of Cattle Pounds	460	0	0	460	0	0	460	0	0	856	0	0	856	0	0
30	Nasirabad	(i) Cattle Pounds	2,344	12	0	1,848	2	0	2,315	13	0	2,322	12	0	2,163	4	6
		(ii) Reimbursement of fines under the Cantonment Act	1,584	0	0	1,043	4	0	545	7	0	240	11	0	214	5	0
		(iii) Treatment of Villagers at C. G. H.	1,080	0	0	2,200	0	0	1,080	0	0	1,080	0	0	1,080	0	0
		(iv) Primary Education	8,153	0	0	..	..	..	..	..	..	..	..	..	..	..	..
		(v) Purchase of X-Ray Machine	..	..	..	..	..	..	19,500	0	0	..	..	..	..	..	..
31	Mhow	Education	20,000	0	0	25,000	0	0	10,000	0	0	5,833	0	0	40,309	0	0
32	Morar	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
33	Nainital	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
34	Kanpur	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
35	Poona	(i) Primary Education	23,071	0	0	21,287	0	0	31,859	0	0	15,260	0	0	14,683	0	0
		(ii) Fines realized by Magistrates	10,445	0	0	47,148	0	0	6,903	0	0	2,404	0	0	4,360	0	0
		(iii) Grant-in-aid under Bombay Public Conveyance Act, 1920	101	4	0	101	4	0	101	4	0	52	0	0	52	0	0
36	Clement Town	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
37	Pachmarhi	Voluntary Education	718	0	0	718	0	0	718	0	0	..	..	..	..	..	..
38	Lansdowne	(i) Cattle Pound Fee	..	..	..	..	..	..	480	8	0	..	..	..	510	0	0

I	2	3	4	5	6	7	8
		(ii) Recurring grant for C. G. H. .	2,500 0 0	2,500 0 0	2,500 0 0	2,500 0 0	6,500 0 0
		(iii) Non-recurring grant for C. G. H. .	..	..	2,000 0 0	..	..
		(iv) Recurring grant for School tailoring Craft .	..	..	..	..	200 0 0
39	Jullundur .	(i) Educational .	56 0 0	7,129 0 0	11,962 0 0	9,338 0 0	5,863 0 0
		(ii) Pound Keeping .	830 0 0	1,486 0 0	830 0 0	1,548 0 0	1,548 0 0
40	Dehra Dun .	Cattle Pound Receipts .	350 9 0	2,007 0 0	1,697 0 0	2,164 8 0	3,790 3 0
41	Roorkee .	(i) For maintaining Primary School for Boys .	..	..	..	..	952 0 0
		(ii) For maintaining Primary School for Girls .	..	..	..	..	348 0 0
42	Landour .	..	..	..	..	..	..
43	Delhi .	(i) Education .	38,239 0 0	46,870 0 0	29,223 0 0	34,984 0 0	39,796 0 0
		(ii) Hospital .	900 0 0	900 0 0	900 0 0	900 0 0	900 0 0
		(iii) Cattle Pound .	9,280 0 0	9,665 0 0	9,083 0 0	8,218 0 0	6,840 0 0
44	Ahmedabad .	(i) Primary Education .	1,450 0 0	910 0 0	1,391 0 0	1,350 0 0	3,257 0 0
		(i) Motor Vehicles Tax .	2,489 0 0	2,489 0 0	2,489 0 0	2,489 0 0	2,489 0 0
		(iii) Grant under Bombay Public Conveyance Act, 1920 .	111 14 0	111 14 0	111 14 0	123 2 0	123 2 0
		(iv) Receipts from Cattle Pounds .	51 0 0	177 8 0	70 4 0	67 4 0	362 6 0



45	Kirkee	Primary Education Maintenance Grant	8,055	0	0	9,082	0	0	6,989	0	0	11,512	0	0	12,848	0	0
46	Badami Bagh		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
47	Lebong	For Education	2,203	8	0	2,282	8	0	2,419	8	0	2,443	8	0	1,483	8	0
48	Almora		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
49	Lucknow	Primary Education	..	..	..	..	..	..	..	..	..	783	0	0	1,385	0	0
50	Khas Yol	Maintenance of Cattle Pound	..	..	..	..	..	..	..	..	..	..	..	..	783	0	0
51	Ranikhet	(i) Contribution to C. G. H. (ii) Maternity's Child Welfare Centre	8,580	0	0	..	..	..	..	..	..	..	..	..	..	..	..
			..	..	..	1,200	0	0	1,200	0	0	993	5	0	1,200	0	0
		(iii) Primary Schools	..	..	..	..	..	..	..	..	..	..	..	..	2,87	0	0
		(iv) Arrears of old C. G. H.	..	..	..	..	..	..	..	..	..	..	..	..	8,715	0	0
52	Bakloh	Primary Education	793	0	0	880	0	0	939	0	0	1,732	0	0	990	0	0
53	Allahabad	(i) Contribution towards Cattle Pound (ii) Contribution towards Motor Vehicles	4,936	12	0	14,548	15	0	8,091	0	0	33,145	15	6	..	..	..
			1,040	0	0	1,040	0	0	1,040	0	0	1,040	0	0	1,040	0	0
54	Shahjehanpur		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
55	Jabalpore	(i) Primary Education	2,119	0	0	2,112	0	0	2,482	0	0	2,466	0	0	1,062	0	0
			..	..	..	..	..	..	..	..	..	..	..	..	1,300	0	0
56	Dinapore	(i) Water Supply (ii) Road Maintenance (iii) Primary Education (iv) Cattle Trespass Act	..	..	..	..	..	..	5,000	0	0	..	..	..	..	..	..
			1,715	0	0	696	0	0	642	0	0	690	0	0	642	0	0
			1,980	0	0	4,188	0	0	8,631	0	0	6,901	0	0	6,823	0	0
			..	..	..	1,152	0	0	2,511	0	0	..	..	..	..	..	..
57	Bareilly		15,145	2	0	12,042	5	0	22,352	2	0	20,662	2	0	15,164	8	0

1	2	3	4	5	6	7	8
58	Ramgarh	(i) Fines and grants-in-aid under Cattle Trespass Act, 1871.	3,285 0 0	2,390 0 0	2,453 0 0	..	3,614 0 0
		(ii) Hospital Purchase of medicines	..	500 0 0	300 0 0	..	..
		(iii) Grant and reconstruction of Indoor wards in Cantonment Dispensaries	..	..	..	..	13,000 0 0
		(iv) Equipment for new Indoor Wards	..	..	..	..	3,869 0 0
		(v) Subsidiary on sale of compost manure	..	531 2 0	784 10 0	438 12 0	2,202 14 0
59	Dalhousie	Primary Education	5,151 0 0	689 0 0	877 0 0	781 0 0	680 0 0

## APPENDIX VIII

(Vide Para 51)

**Statement showing the Total Defence Departments Contribution towards the Cantonment Areas as compared to the entire expenditure incurred on Administration of these Areas**

	Defence Departments Contribution			Entire expenditure incurred on the Admn. of Cantts.		
	1953-54	1954-55	1955-56	1953-54	1954-55	1955-56
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
(a) Ordinary Grant-in-aid .	12,55,017	12,40,161	10,48,451	1,57,11,584	1,65,60,985	1,90,70,398
(b) Special Grant-in-aid (Capital Works). .	1,91,594	3,19,770	25,25,689	..	..	..
(c) Loans . .	..	40,000	14,215	..	..	..
(d) Half pay of Cantt Ex. Officers.	1,17,210	1,31,010	1,34,370	..	..	..
<b>TOTAL . .</b>	<b>15,63,821</b>	<b>17,30,941</b>	<b>37,22,725</b>	<b>1,57,11,584</b>	<b>1,65,60,985</b>	<b>1,90,70,398</b>

## APPENDIX IX

(Vide Para 55)

### Statement showing various Taxes etc. levied in Cantonments and Ad-joining Municipalities

Sl. No.	Name of Cantonment	Taxes imposed in Cantonment	Taxes imposed in adjoining Municipality Cantonment	Incidence of Taxation in Cantonment	Incidence of Taxation in adjoining Municipality
1	2	3	4	5	6
				Rs.	Rs.
EASTERN COMMAND					
1. Agra		Buildings and Lands. Water Tax. Dog Tax. Cycle Tax. Wheel Tax. Hawkers Tax.	Buildings and Lands. Water Tax. Dog Tax. Cycle Tax.	11 4 9	7 11 8
2. Allahabad		Water Tax. House Tax. Wheel Tax. Octroi Tax.  Passenger Tax. Hackney Carriage Tax.	House Tax. Water Tax. Latrine Tax. Wheel (Cycle) Tax. Dog Tax. Passenger Tax.	9 11 1	10 6 0
3. Almora		House Tax. Toll Tax. Conservancy Tax. Dog Tax. Trade Tax. Water Tax.	House Tax. Toll Tax. Dog Tax.	9 12 9	11 3 3
4. Banaras		Octroi Tax. House Tax.  Dog Tax.  Vehicle Tax. Hawker Tax. Tax on trade and Profession.	Octroi Tax. Building Lands Tax. Tax on animals used for riding and driving etc. Water Tax. Visitors' Tax.	12 9 7	10 10 0
5. Bareilly.		House Tax. Conservancy Tax. Water Tax. Profession Tax. Hawker Tax. Dog Tax. Vehicle Tax. Rickshaw Tax. Octroi Tax.	House Tax. Vehicle Tax. Sugar Tax. Scavenging Tax.	5 15 3	8 9 8

1	2	3	4	5	6
				Rs.	Rs.
	EASTERN COMMAND—contd.				
6. Barrackpore	Holding Tax. Conservancy Tax. Water Tax. Lighting Tax. Trade and Profession Tax.	Trade and Profession Tax.		7·4%	7·7%
7. Chakrata	House Tax. Water Tax. Conservancy Tax. Dog Tax. Toll Tax. Octroi.	House Tax. Conservancy Tax. Water Tax. Dog Tax. Toll Tax. Octroi Tax.		73 11 10	5 7 7
8. Clement Town	Conservancy Tax. Dog Tax. Trade Tax.	House Tax. Conservancy Tax. Terminal Tax. Toll Tax. Water Tax. Horse Tax. Vehicle Tax. Hackney Carriages Tax. Dog Tax. Tax on brick, Tile and Line Tax.		0·51	4·60
9. Dehra Dun	Conservancy Tax. Water Tax. Dog Tax. Bullock Tax (Carts). Thelas. Carriages. Traps. Bicycles. Trade Tax. Hackney carriages.	House Tax. Conservancy Tax. Water Tax. Terminal Tax. Toll Tax. Horse Tax. Vehicle Tax. Carriages. Hackney.		3·29	4·60
10. Dinapore	House Tax. Latrine Tax. Water Tax. Vehicle and animal Tax. Cycle and Trade Tax.	House Tax. Latrine. Arable Land Tax.		4 6 0	2 6 0
11. Fatchgarh	Toll and Terminal Taxes. House Tax. Tax on vehicles. Conservancy Tax. Cattle Tax. Trade and Profession Tax.	Toll Terminal Taxes. House Tax. Tax on vehicles. Conservancy Tax. Cattle Tax. Trade and pro- fession Tax.		5 0 0	4·58
12. Jalapahar	Lands and Buildings. Lighting Tax. Conservancy Tax. Trades and profession Tax. Water tax and rates.	Holding Tax. Lighting Tax. Water Tax. Conservancy Tax.		9 15 9 13 1 7	

1	2	3	4	5	6
		EASTERN COMMAND— <i>contd.</i>		Rs.	Rs.
13. Jhansi	.	House Tax. Tax on vehicles. Water Tax. Toll Tax. Octroi. Taxes on trades.	House Tax. Vehicles. Water Tax. Toll Tax. Octroi.	11 12 9	6 9 5
14. Kanpur	.	House Tax. Wheel Tax. Trade Tax. Dog Tax.  Octroi, Terminal Tax and Toll.	House Tax. Wheel Tax. Dog Tax. Octroi, Terminal Tax. Toll Tax. Water Tax.	7 9	9 73
15. Landour.	.	House Tax. Water Tax.  Conservancy Tax. Hawker Tax. Mule Tax. Horse Tax. Rickshaw Tax. Dog Tax. Job porter. Dandy Tax.	House Tax. Toll Tax. Water Tax. Conservancy Tax. Food articles. Mule Tax. Horse Tax. Rickshaw. Dog Tax. Job porter. Dandy Tax.	23 00	63 53
16. Lansdowne	.	House Tax. Water Tax. Scavenging Tax. Dog Tax. Toll Tax.	There is no ad- joining Muni- cipality.	13 74	..
17. Leborg	.	Holding Tax. Lighting Tax. Water Tax. Tax on trade/profess- ion. Tax on animals and Vehicles. Conservancy Tax. Water Tax.	Holding Tax. Lighting Tax. Water Tax. Tax on trade/ profession. Tax on animals and Vehicles. Conservancy Tax. Water Rate.	14 10 5	13 1 7
18. Lucknow	.	House Tax. Water Tax. Latrine Tax. Dog Tax. Cycle Tax. Rickshaw Tax.	House Tax. Water Tax. Latrine Tax. Dog Tax. Cycle Tax. Rickshaw.	8 4	9 67
19. Meerut	.	House Tax. Water Tax. Dog Tax. Cycle Tax. Hawker Tax.	House Tax. Horse Tax. Tonga private. Pheeton. Cycle thelas. Hand thelas. Dog Tax. Rickshaw owners. Rickshaw puller. Cycle Tax. Bungalow thela. Two bullock thela. Tax on grain pits. Hackney carriage. Projection tax on main drain.	5 14 4	7 4 6

1	2	3	4	5	6
				Rs.	Rs.
		EASTERN COMMAND— <i>contd.</i>			
20. Mathura	.	House Tax. Conservancy Tax. Water Tax. Taxes on trades and profession.] Cattle Tax. Dog Tax. Octroi Tax. Hackney Tax. Manufacture of Bricks.	House Tax. Scavenging Tax. Water Tax. Wheel Tax. Pilgrimage Tax. Octroi Tax. Hackney Tax.	8 0 0	7 15 3
21. Nainital.	.	Property Tax. Water Tax. Tax on animals and vehicles.  Tax on trades and professions. Proportionate share of toll tax received from Municipal Board.	Property Tax. Water Tax. Tax on animals vehicles as per schedule. Scavenging Tax.  Toll Tax. Boat Tax. Lake frontage tax as per schedule.	13 0 4	15 6 7
22. Ramgarh	.	House Tax. Bullock Tax. Cycle Tax. Rickshaw Tax. Jin Rickshaw. Dog Tax.	Holding Tax. Latrine Tax. Registration fees. Cart. Saggar. Hand-cart. Cycle rickshaw. Hand rickshaw. Cycle.	0 15 2	2 8 0
23. Roorkee	.	Toll Tax. House Tax. Cycle Tax. Trade Tax. Water Tax. Conservancy Tax. Dog Tax. Rickshaw Tax.	House Tax. Conservancy Tax. Dog Tax. Toll Tax. Water Tax.	7 12 11	7 5 0
24. Ranikhet	.	House Tax. Toll Tax. Scavenging. Tax sliding scale. Water Tax. Dog Tax. Trade and profession Tax.	House Tax. Toll Tax. Scavenging Tax. Dog Tax. Water Tax. Trade and pro- fession tax.	14 8 0	11 3 3
25. Shillong	.	House Tax. Water Tax. Latrine Tax. Lighting Tax. Dog Tax. Hand cart Tax. Pony cart Tax. Profession Tax.	House Tax. Water Tax. Latrine Tax. Lighting Tax. Dog Tax. Hand cart. Pony cart.	9 6 0	5 2 9

1	2	3	4	5	6
				Rs.	Rs.
WESTERN COMMAND					
26. Ambala	House Tax. Water Tax. Dog Tax. Octroi.	House Tax. Building Tax. Octroi Tax. Water rate.	9 8 7 13 5 2		
27. Amritsar	House Tax. Dog Tax. Professional Tax.	House Tax. Dog Tax. Octroi. Vehicle Tax. Conservancy Tax.	2 12 0 9 13 9		
28. Badarnibagh	House Tax. Wheel Tax. Profession Tax. Sign Board Tax. Cycle Tax.	Bicycle Tax. Boat Tax. Wheel Tax. Sign Board Tax.	3 8 4 3 11 3		
29. Bakloh	House Tax. Water Tax. Profession Tax. Dog Tax. Toll Tax.	House Tax. Water Tax. Conservancy Tax. Servants Tax. Dog Tax. Toll Tax. Octroi with re-funds.			
30. Dagshai	House Tax. Water Tax. Dog Tax. Horse Tax. Servant Tax. Professional Tax.	House Tax. Water Tax. Animal and 4 wheeled vehicle Taxes. Two-wheeled vehicles drawn by horse ponies or mules* Horses Tax. Dog Tax. Ground Taxes.	7 7 6		2·36.
31. Dalhousie	House Tax. Frontage Tax. Water Tax.  Dog Tax. Profession Tax. Toll Tax.	House Tax. Water Tax. Conservancy Tax.  Dog Tax. Octroi Tax. Toll Tax.	24·9		70·53 Winter 32·11 Summer
32. Delhi	House Tax. Cycle Tax. Dog Tax. Animal Tax. Conservancy Tax. Taxes on trades and professions. Water Tax. Toll Tax.	House Tax. Cycle Tax. Dog Tax. Milch Tax. Wheel Tax.	6·39		12·3

\*Two or three wheeled vehicles drawn or propelled by men (excluding children's perambulators.)



1	2	3	4	5	6
				Rs.	Rs.
		WESTERN COMMAND—contd.			
33. Ferozepore	.	Octroi Tax. House Tax. Dog Tax. Hawkers Tax.	Octroi Tax. Cycle Tax. Tax on building.	0 7 2	6 6 9.
34. Jammu	.	Professional Tax. Wheel Tax. Cycle Tax. Dog Tax.	Octroi Tax. Wheel Tax.	64	11.23.
35. Jutogh	.	House Tax. Servant Tax. Dog Tax. Water Tax. Profession Tax.	House Tax. Ground Tax. Animal Tax. Water Tax. Dog Tax. Vehicle Tax.	10 6 0	19 0 0.
36. Jullundur	.	House Tax. Profession Tax. Dog Tax. Octroi Tax. Cycle Tax. Conservancy Tax.	Octroi Tax. Toll Tax. Dog Tax. Wheel Tax. Tax on building. Cycle Tax.	13 14 2	8 7 2.
37. Kasauli	.	House Tax. Water Tax. Servant Tax. Dog Tax. Professional Tax.  Vehicle Tax.	There is no Municipal area adjacent to Kasauli Can- tonment.	15 4 0	
38. Khas Yol	.	Dog Tax. Trade profession Tax.	Dog Tax. House Tax. Water Tax. Khul Tax. Servants Tax. House scaveng- ing Tax. Site Tax. Octroi Tax.	0 5 11	9 5 6.
39. Mhow	.	Octroi Tax. Property Tax. Water Tax. Cycle Tax. Tax on private tongas. Dog Tax. Entertainment Tax.	Octroi Tax. Property Tax. Water Tax. Conservancy Tax. Takhat Tax. Wheel Tax. Hackney. Dog Tax. Private Tonga. Entertainment Tax. Motor cycle Tax.	9.7	9.77.
40. Nasirabad	.	Terminal Tax. Property Tax.  Water Tax.  Tax on Trades and Professions. Motor Tax. Toll Tax. Entertainment Tax.	Octroi Tax. House and Pro- perty Tax. Horse and Ve- hicle Tax. Visitor's Tax.  Toll Tax. Entertainment Tax.	6	9 0.

1	2	3	4	5	6
				Rs.	Rs.
WESTERN COMMAND— <i>contd.</i>					
41. Subathu	.	House Tax. Tax on vehicles. Dog Tax. Water Tax. Profession and trade Tax. Servants Tax.	Water Tax. Sanitation Tax. Adda Tax. Animal Tax. Vehicle Tax. Thela Tax.	15·9	30·7
SOUTHERN COMMAND					
42. Ahmedabad	.	General property Tax. Conservancy Tax. Water Tax and rate. Tax on animals and vehicles. Theatre Tax, Octroi. Street Lighting Tax.	General property Tax. Conservancy Tax. Water tax and rate. Tax on animals and vehicles. Theatre Tax. Octroi.	11 4 2	24 8 5
43. Ahmednagar.	.	Property Tax. Conservancy Tax. Water Tax. Animal Tax. Vehicle Tax. Entertainment Tax. Octroi Tax.	House Tax. General sani- tary cess. General water rate. Non-privy cess. Special sani- tary cess. Drainage Tax. Special water rate. Wheel Tax. Cycle Tax. Toll Tax. Theatre Tax. Octroi Tax. Consolidated Tax.	9 11 8	16 4 0
44. Aurangabad	.	House Tax. Conservancy or sca- venging Tax. Water Tax. Lighting Tax. Dog Tax. Vehicle Tax. Toll Tax.	Property Tax. Profession Tax. Toll Tax. Vehicle and animals tax. Tax on transfer of immovable property. Entertainment Tax.	4·3	4·3
45. Belgaum	.	Octroi Tax. Toll. Property Tax. Special sanitary cess. Vehicle and Animal Tax.	Octroi and toll. General sanitary cess. Property and Consolidated Tax. Latrine Tax. Vehicle and ani- mal Tax.	18·7	18·7

1	2	3	4	5	6
				Rs.	Rs.
SOUTHERN COMMAND.— <i>contd.</i>					
46. Cannanore	.	Property Tax. Tax on animals and vehicles. Dog Tax. Profession Tax.	Property Tax. Profession Tax. Vehicle and ani- mal Tax. ✓	5 5 9 2 2 8	5 10 6 5 15 4
47. Deolali	.	Octroi and Toll. Tax on annual value on buildings. Tax on animals and hides Toll Tax. Conservancy Tax. Water Tax. Education.	Octroi and Toll. House tax on an- nual value of buildings. Tax on animals and Vechicle Toll Tax. General sanitary cess. Special sanitary cess. Water Tax. Education Tax. Lighting Tax. Theatre Tax.	12 2 10	14 11 11
48. Jabalpur	.	Conservancy Tax. Latrine Tax. Water tax and rate. Wheel Tax. Dog Tax. Octroi. Tax on Sale of cattle.	Conservancy and latrine Tax. Tax on Wheels Dog Tax. Water Tax. Octroi Tax on sale of cattle.	9 6 5	15 9 0
49. Kamptec	.	Conservancy Tax. Vehicle Tax. Dog Tax. Toll Tax. Tax on trades. Wheel Tax. Octroi.	Octroi Tax. Wheel Tax. Scavenging Tax. Drainage Tax. Dog Tax.	18.84	6.6
50. Kirkee	.	Property Tax. Conservancy Tax. Water Tax. Wheel Tax. Dog Tax. Trade and Profession. Tax. Cycle Tax. Entertainment Tax. Octroi and Toll.	Octroi and Toll. General Tax. Conservancy Tax. Water rate and Tax. Vehicle Tax. Theature Tax. Cycle Tax. Hotel Tax.	9 15 1	19 9 10
51. Pachmarhi	.	Octroi. Conservancy Tax. Private Latrine Tax. Public Latrine Tax. Dog Tax. Property Tax.	Conservancy Tax. Private latrine Tax. Dog Tax.	8 3 3	6 6 3

1	2	3	4	5	6
				Rs.	Rs.
		SOUTHERN COMMAND.— <i>contd.</i>			
52. Poona	Rate of buildings and lands. General sanitary cess. Tax on vehicles and animals. Dog Tax. Cycle Tax. Water Tax. Tax on Entertainment. Toll Tax. Trade and Profession Tax. Octroi.	Octroi and toll. General Tax. Conservancy Tax. Water Tax. Vehicle and animal Tax. Theatre Tax. Cycle Tax. Hotel Tax.	17 11 0	19 9 10	
53. Sagar	Octroi. Conservancy Tax. Property Tax. Dog Tax. Vehicle Tax. Hawker Tax.	Octroi. Latrine Tax and Conservancy Tax. Vehicle Tax. Dog Tax.	7.5	18.86	
54. Secunderabad	House Tax. Conservancy Tax. Water Tax. Wheel Tax. Dog Tax. Entertainment Tax. Barbardari Tax.	House Tax. Conservancy Tax. Water Tax. Wheel Tax. Cycle Tax. Dog Tax. Entertainment Tax. Barabardari Tax. Profession Tax. Transfer of property Tax.	3 10 9	6 15 4	
55. St. Thomas Mt.	Property Tax. Profession Tax. Scavenging Tax. Water Tax. Vehicle and animals Tax.	Property Tax. Water and drainage Tax. Lighting Tax. Education Tax. Profession Tax. Scavenging Tax. Vehicle and animals Tax.	6.04	8 6 0	
56. Wellington	Building Tax. Land Tax. Profession Tax. Tax on vehicles and animals. Tax on carts. Conservancy Tax. Water Tax. Drainage Tax. Lighting Tax. Entertainment Tax.	Building Tax. Land Tax. Profession Tax. Tax on carriage and animals. Tax on carts. Scavenging Tax. Water Tax. Entertainment Tax.	6 1 10	8 7 5	

## **APPENDIX X**

(Vide para. 55)

**Cantonments where incidence of Taxation is much higher than that in the adjoining Municipalities**

### **Chakrata**

There is no Municipality adjoining the Chakrata Cantonment for comparison Dehra Dun City Board is quoted. The incidence of taxation in Cantonment is higher than at Dehra Dun city for the following reasons:—

- (a) This being the bus terminus for the interior, Octroi & Toll Tax on vehicles and animals together account for more than Rs. 75,000/- in the total receipts of about Rs. 89,000/- from taxes and do not completely fall as a burden on the residents of the Cantonment alone.
- (b) The static population of this Cantonment is far below the figure for the people that inhabit it daily from the surrounding villages for the purchase of their requirements and while the total sales in the Station account for the Octroi, it is only the permanent population of the Cantonment that is taken into consideration to evaluate the incidence of taxation.
- (c) The third contributing factor is that while theoretically any importer can claim refund of Octroi when he re-exports the articles, on account of certain practical exigencies quite often, this remains unclaimed.

### **Jhansi**

The reasons, for the incidence of taxation in Cantonment area being higher than that in the Municipal area, are as follows:—

- (a) The houses tax in the Cantonment is  $12\frac{1}{2}\%$  of the annual value of buildings as against Rs.  $3\frac{1}{2}\%$  to Rs.  $5\%$  in the Municipal Board.
- (b) Trade Tax, which yields on average annual income of Rs. 8,000/- in the Cantonment, is not levied by the Municipal Board Jhansi.
- (c) The income derived from the conservancy services rendered to Troops is included in the revenue from taxes for purposes of calculating the incidence of taxation.

### **Shillong**

The reason for incidence of taxation being higher than that in the adjoining Municipality is that the Municipal Board being largely an elected body, is more subject to pressure to keep taxation

low. Recently *e.g.*, the newly elected Municipal Board Shillong reduced the property taxes by 1%. The State Government also give them about one lakh grant-in-aid annually which is about 20% of the total income.

### *Kamptee*

The incidence of taxation in Cantonment area is 22/9/11 as against 7/9/2 in the Municipal area. The reason of its being higher is this that the population of the Cantonment area is less, therefore, more taxes than in the Municipal Committee Kamptee.

### *Agra Cantonment*

The incidence of taxation in the Cantonment is Rs. 10/8/- as against Rs. 9/5/- in adjoining municipality. The main reason for the incidence of taxation being higher is that in the Cantonment there are two additional taxes (Hawker Tax and Dog Tax) whereas in the Municipality there is one additional tax *viz.* (Brick Tax). The collection in the Cantonment is generally better than in the Municipality.

### *\*Dagshai*

The incidence of taxation in the Cantonment is less than that in the adjoining Municipality and has accordingly been shown under Question No. 10.

### *\*Jullundur*

The incidence of taxation in the Cantonment is less than that in the adjoining Municipality and has accordingly been shown under 'Cantonments, where incidence of Taxation is much less than that in the adjoining Municipalities.'

**Cantonments where incidence of Taxation is much less than that in the adjoining Municipalities**

### *Clement Town*

The incidence of taxation in Cantonment is 2.22 as against 4.60 (4.48 indirect) in the Municipal area. The incidence of indirect taxation in the Municipal area is due to imposition of Toll and Terminal Taxes whereas these taxes are not levied in the Cantonment area. Although the residents of Cantonment area have not to pay these taxes to the Cantonment Board yet they are burdened with the same as almost all day to day needs of the Cantonment residents are imported from the Municipal area where these taxes have already been paid to the Municipal Fund.

The difference in the incidence of direct taxation in the two local areas is due to the following reasons:—

The taxes like house tax, water tax, horse tax, vehicle tax, tax on bricks, tiles and lime manufactures are imposed in the Municipal area, which are not imposed in Cantonment area.

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\*The figures of incidence of taxation in various Cantonments as shown in Appendix IX of this Report, relate to the year 1954-55, whereas those shown in this Appendix represent the latest position.

Clement Town is primarily a Military Station and the Civil population is mostly located in few villages, who have very meagre source of income. The Cantonment Board gives very few civil amenities as compared to those available in the Municipal area. However, the Board propose to impose House Tax and tax on bicycles.

### *Delhi*

The reasons for incidence of taxation in Cantonment area being much less than that in Municipal area are as follows:—

(a) The Municipal Committee, New Delhi is recovering House Tax on Government properties situated in their area and the Committee is deriving an income of about thirty lakhs on Government buildings. No exemption is provided in the Municipal Act regarding Government buildings whereas Section 99(2) of the Cantonments Act, 1924 provides exemption of house tax on Government owned buildings.

(b) The Municipal Committee, New Delhi is receiving a share of Terminal Tax from the Municipal Committee, Delhi and the annual income derived by the Municipality on this account comes to Rs. 19,00,000/- approximately.

The case was taken up with the Chief Commissioner, Delhi to move the Municipal Committee, Delhi to include the Cantonment Board, Delhi in Terminal Tax ring. The Chief Commissioner, Delhi did not agree to the proposal and the matter was dropped by the Cantonment Board.

(c) The Municipal Committee, New Delhi is receiving a Motor Tax share from the State Government and the probable income derived by the New Delhi Municipal Committee on this account amounts to Rs. 6,00,000/- per annum approximately.

### *Ahmedabad*

The incidence of taxation in Cantonment area is Rs. 11/3/6 as against Rs. 24/-/- in the Ahmedabad Municipal Corporation. The reason of its being much less is as follows:—

- (i) Property tax in Corporation limit is higher.
- (ii) Tax on animal & vehicles in Corporation limit is higher.
- (iii) Theatre Tax and Octroi Tax are levied in Corporation limit where as they are not levied in the Cantonment.
- (iv) Residents of Cantonment are poor as compared with those of Corporation limit.

### *Ahmednagar*

The incidence of taxation in Cantonment area is 9/11/4 as against 17/1/- in the Municipal area. The reason of its being much less in the Cantonment is this that the Ahmednagar Borough Municipality has increased its taxes whereas the Cantonment Board has not done so, for the last several years.

**Jabalpur**

The incidence of taxation in Cantonment area is 8:9 *per capita* as against 9:4 *per capita* in the Municipal area. The main reason of its being lesser is as follows:—

Lower rate of taxes for water, conservancy, wheel tax etc.

**Kirkee**

The incidence of taxation in Cantonment is Rs. 7/13/8 as against Rs. 19/15/6 in the Poona Municipality. The reason of its being much less is the income derived from various items of taxes in Cantonment is much less than income under corresponding items in the Poona Municipal Corporation is very meagre i.e. Rs. 1,25,000/- out of Corporation's net income of Rs. 46,78,500/-. Further the percentage of house and conservancy tax levied in Cantonment falls short by about 4% of the general conservancy tax in Poona Municipal Corporation.

**Sagar**

The incidence of taxation in Cantonment area is 8:02 as against 15:02 in the Municipal area. The reason of its being less than that in the Municipal area is this that the Municipal area is the trade centre for the entire town. There is little commercial activity in the Cantonment area. The tax paying capacity of the residents of the Municipal area is better than that of the residents of the Cantonment area.

**Jalapahar**

The incidence of taxation in the Cantonment is Rs. 9/15/9 as against Rs. 13/1/7 in the Municipality. In spite of higher taxation the incidence of taxation in the Cantonment is lower for the simple reason that no taxes are paid to the Cantonment Board by Military Authorities for the Government Buildings occupied by them. For calculating the incidence of taxation the annual average strength of Military troops is taken into consideration.

**Landour**

The incidence of taxation will be 6:96 in Cantonment as against 11:68 in the Municipal area if it is based on the population figures of summer months.

The difference in the incidence of taxation is due to the fact that the City Board pays 1/24th share of their proceeds from Toll Tax to the Cantonment Board as against 1/8th if based on the population.

**Amritsar**

The incidence of taxation in the Cantonment is Rs. 2/12/- as against Rs. 9/13/9 in the Municipal area. The reasons of its being much less in the Cantonment is this that no Octroi is levied in the Cantonment. Independent levy of Octroi by the Cantonment Board is not feasible in view of the Geographical situation of the Cantonment and the absence of wholesale or large market within the Cantonment.



### *Dalhousie*

The incidence of taxation *per capita per annum* in the Cantonment is Rs. 24·9 compared with Rs. 70·53 for summer and Rs. 32·11 for winter in the Municipality. The difference is largely due to difference in income from taxes on property. There are a large number of bungalows and other more valuable property situated in the Municipality with a higher annual assessment. In comparison the Cantonment does not contain any bungalow, cinema, hotel and except for small tea and halwai shops no restaurants. The houses in bazars are mostly small, humble tenements with a low annual letting value on which assessment is based. A number of them are in a dilapidated condition and remain vacant throughout the year.

The tourists are not drawn to the Cantonment. The Municipal area has all the picnic spots and level walks and it offers better climate being situated at a higher altitude.

### *Jammu.*

The incidence of taxation in the Cantonment is ·73 as against 12·3 in the Municipal Area. The main reason for its being very much lower than that in the adjoining municipal area is that octroi tax which is levied in the municipal area is not levied in the Cantonment area. The receipts from the octroi tax account for 96% of the total income from taxes of the Jammu municipality.

*NOTE*—Octroi tax was not levied in Jammu Cantonment when the administration of the Cantonment was taken over by the Union Government in the year 1954.

### *Jutog*

The incidence of taxation in the Cantonment is Rs. 10/6/- as against Rs. 19/- in the Municipal area. The reasons of its being much less than that in the Municipal area are that Simla with a sizable population of 46,150 is a hub centre of trade and business in Simla Hills, and as such substantial income from octroi is available to the Municipal Committee. Also ground tax on a sliding scale according to area of private land yields goods revenue. The Cantonment is too small in size and population (523) and its sphere for geographical reasons is limited.

### *Khas Yol*

Incidence of taxation in the Cantonment is Re-/5/11 as against Rs. 9/5/6, in the Municipal area of Dharamsala. The reason of its being much lower is this that the Municipality is situated at the District Headquarters and it has levied so many taxes *viz.*, Octroi, House Tax, Water tax, House Scavenging Tax, Site tax, Kuhl tax, Dog tax etc; while the Cantonment Board has levied only two taxes *i.e.* professional tax and dog tax. The Cantonment in the true sense of the term, is group of villages, inhabited by poor masses.

### *Subathu*

The incidence of taxation in the Cantonment is 15·9 as against 30·7 in the Municipal area. The reason of its being much less is this that the Cantonment is situated out of the way, having no electricity, cinema, or other entertainments and less population.

**\*Dagshai**

The incidence of taxation in the Cantonment is Rs. 9/3/8 as against Rs. 18/14/- in the Municipal Area. The reason of its being less is that Simla Municipality levies a Ground Tax at a sliding scale besides House, Water Tax etc.

**\*Jullundur**

The incidence of taxation is Rs. 7/11/1 as compared with Rs. 12/7/3 in the Municipal area. The reason of its being less in the Cantonment is due to the following reasons:—

(a) The rate of house tax in Jullundur Municipality is higher than the rate of tax in the Cantonment which is 12/8/- per cent. as against 10 per cent. in the Cantonment.

(b) The income from octroi tax in the Municipality as compared with the Cantonment is much higher due to the fact that Jullundur is considered as one of the biggest industrial and commercial city in the Punjab and octroiable goods are imported in large quantities. This is also due to the fact that the octroi tax imposed in the Municipality is without refunds whereas in the Cantonment, it is with refunds.

(c) The income from Trade Tax in the Municipality is much higher than income from this tax in the Cantonment.

(d) The Jullundur Municipality has imposed two taxes namely, Wheel Tax and Toll Tax whereas no such tax has been imposed in the Cantonment.

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\*The figures of incidence of taxation in various Cantonments as shown in Appendix XI of this Report, relate to the year 1954-55, whereas those shown in this Appendix represent the latest position.

## APPENDIX XI

(Vide para 57)

### Borrowings by Cantonment Boards

Cantonment Boards	Source of loan	Amount borrowed during			Rate of Interest
		1953-54	1954-55	1955-56	
11. Jhansi .. .	Central Government.	..	40,000	..	Interest free.
12. Almora . . .	do.	..	..	14,215	Do.

## APPENDIX XII

(Vide para 77)

### Questions and answers on the use of property by the residents of Cantonments

#### Questionnaire

#### Reply

1. (a) Is the permission of any Cantonment Officer required for transfer of property by sale, gift, mortgage, exchange or otherwise in a Cantonment area?
1. (a) Yes,
- (i) under condition 6(4) of G.G.O. 179 of 1836, and
- (ii) under condition 1(8) of Schedules VI, VI-A, VII and VIII, as well as conditions 1(6) of Schedule IX of the C.L.A.R. 1925.
- (b) Is it a fact that in 1956, when Shri .....of..... wanted to sell his bungalow No.....to ....., the Officers insisted that permission should be taken and that permission was refused when applied for? Please state the circumstances and outcome of the case.
- (b) The permission for sale of the property was asked for. As the site is held on Old Grant, the parties were asked to subscribe to the terms of the grant. A certificate admitting Govt. title to the land and subscribing conditions of the grant has been received by the Military Estates Officers on 19-12-1956, and permission for the transfer is under issue by him.
2. (a) To what extent is permission required before cutting of a tree in a compound in the Cantonment area?
2. (a) (i) Sites held on Old grants:—
- Neither the Govt. nor a grantee can cut or remove standing tree, from a site held on old grant terms, without the consent of the other. As regards dead or fallen trees the right of enjoyment by the grantee having ceased to exist, Govt. can offer the timber on payment of full value of the same to the grantee. In case

the grantee is not inclined to purchase the same Govt. can demand the delivery of the timber within a reasonable time. If the grantee does not comply with the demand the full value of the timber can be claimed and a suite instituted accordingly.

(ii) Sites held on lease :—

Ownership of trees standing on sites held on leases vests in Government under the terms of the lease according to which no tree can be cut or removed without the permission of the lessor *i.e.* the Government.

(b) Is it a fact that in..... Cantonment when a tree in the Compound of a ..... temple was cut by the .....action was instituted against the .....? Please state the circumstances and outcome of the case.

(b) The Honorary Secretary,..... had cut and removed a tamarind tree from Bungalow No..... Cantonment, commonly known, as..... Temple. On being asked to pay the price of the tree in question amounting to Rs. 8/- (half the market value thereof), the Honorary Secretary not only refused to pay the amount but claimed the ownership of the tree as well as the land. The site on which the tree in question stood is held under Old grant terms. It is situated outside the Civil Area and is under the management of the Military Estates officer.. ..Circle. As all efforts to recover the price of the tree in question proved futile, a civil suit for declaration that the Government is the owner of the land and the trees standing thereon and for the recovery of Rs. 16/- as the full market value of the tree cut and removed, has been filed against the..... through its Secretary.

The defendant has filed a written statement.

The hearing of this case was originally fixed for 11-1-1957, but adjourned to a subsequent date, which has not so far been notified.

3. The Committee understand that even though the Civil Area Committees are supposed to be autonomous in sanctioning building applications within such areas, there are cases of interference by the Executive Officers.
3. Although Civil Area Committee have been delegated powers to sanction building plans, etc. in respect of sites within Civil Areas, the Officer Commanding-in-Charge, a Command, may under Section 52(1) of the Cantonments Act, 1924, direct that any matter or any specific proposal be considered or reconsidered by a Board in case of misuse of powers.

It is said that in the..... Cantonment, the Civil Area Committee by its resolution No. .... dated ..... passed the plan of house No. .... and ..... of Smt. ...., but by the interference of Executive Officer, the G.O.C.-in-C, exercised the powers of re-reference and meanwhile the house had been built and its demolition is being demanded.

Please state the circumstances of the case and the outcome.

Owners of House Nos. .... Cantonment was granted permission to carry out additions, alterations to the same by the Civil Area Committee under their resolution No. .... dated..... It is understood on enquiry on telephone with our local authorities that the said sanction was not communicated to the applicant immediately after the meeting of the Committee. As the proposal involved an encroachment of Government land the G.O.C.-in-C., Eastern Command directed the Cantt. Board to reconsider their decision under Sec. 52(1) of Cantt. Act 1924 within a period of three months and suspended action on the same under sub-sec. (2) *ibid* for a period of three months.

The Cantonment Board themselves in the meantime suspended their resolution after lapse of two months from the issue of the above instructions from the G. O. C.-in-C., Eastern Command. The latter, therefore, directed after lapse of the period of three months that the original decision of the Board shall not be carried into effect.

The owner of the house in the meantime carried out the additions and alterations and was, therefore, asked by the Cantt. Board to demolish the same. He has filed an appeal to the G.O.C.-in-C., Eastern Command against this order of the Cantonment Board. The appeal has not yet been heard.

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## APPENDIX XIII

(vide para 80)

### Statement laid on the Table regarding land administration in Cantonment areas Revision of existing rules and orders.

Mr. The Ministry of Defence have been, from sometime past, receiving representations from individuals and associations criticising the present system of Land Administration in Cantonments. These representations are mainly against the existence of a variety of tenures under which land is at present held by private persons in the Cantonments.

2. Lands in Cantonments are at present held by private persons under several forms of grants and leases. Broadly speaking, such lands are held under—

- (a) Rules, regulations and orders issued from time to time by the Governments of Bengal, Madras and Bombay presidencies and the competent military authorities between the years 1789 and 1899 in regard to grant of sites of lands in Cantonments, now termed as "Old grant sites", or
- (b) Leases granted under the provision of Cantonment Code of 1899 and 1912 and Cantonment Land Administration Rules 1925 and 1937, commonly termed as "Leased sites".

At the instance of Minister of Defence Organisation, a conference of elected representatives of the Cantonment Boards was convened sometime ago wherein the land administration in Cantonment areas was generally reviewed. This was also a subject matter of discussion in the meetings of the informal consultative committee of the Defence Ministry, under the Chairmanship of the Minister of Defence Organisation.

4. After a careful examination of the views expressed by the elected representatives of the Cantonment Boards and also taking into account the views expressed in the aforesaid informal consultative committee meeting, Government of India have now taken certain policy decisions, concerning revision of the present system of land administration broad outlines of which are stated below:—

#### I. Civil (Bazar) Area

- (a) Holders of old grant sites situated in civil bazar area of any Cantonment may, if they so desire, apply to the Government for the transfer of the ownership of such sites and the Government may transfer the ownership provided such holders agree to pay the appropriate conversion cost to be fixed by the Government of India.



While fixing the scale of conversion cost, the Government of India will give due regard to the situation and the size of the area and will also take into account the opinion and the advice of the Cantonment Boards concerned.

For this purpose, instructions have already been issued to the Cantonment Boards to divide the entire civil area (either notified as such or declared as bazar under the Cantonments Acts <sup>1</sup>Cantonments Land Administration Rules) into convenient zones after taking into account the situation and size of the area and similar other factors. The Boards have further been advised to recommend suitable conversion cost in respect of each zone keeping in view the prevailing rates of rent according to the standard table of rent. They have been also advised that in the case of holders of old grant sites, if there be any vacant area included in their holdings which is in excess of the area required to be kept vacant under the building regulations in force, the Cantonment Boards should recommend a separate conversion cost for each of such excess area in any zone which should not be less than the prevailing market value.

- (b) Holders of leased sites situated in civil bazar areas in any Cantonments may, if they so desire, convert their lease hold rights to free hold rights on payment of appropriate amount as conversion cost which will be fixed by the Government of India in the manner indicated as at (a) above.

## II. Bungalow Area

- (c) The question of conversion of old grant sites into free hold, is still under consideration and in this connection, a survey with regard to the extent of area held under old grant in certain select Cantonments is in progress.
- (d) Holders of leased sites situated in the Bungalow areas in any Cantonment may, if they so desire, convert their existing lease hold rights to free hold rights on payment of a suitable amount which will be fixed by the Government of India in consultation with Cantonment Board for each individual case.

## III. Expired Leases (Bazar)

- (e) Lease holders whose leases whether in Civil area or in Bungalow area, have recently expired and where the land as well as the buildings standing on the same revert free of cost under the terms of lease to Government have not been taken over pending revision of Land Administration Rules, will also be given option to convert the sites under their occupation to free hold in the manner indicated in (b) & (c) above as the case may be provided they agree to pay—
  - (i) appropriate conversion cost;
  - (ii) market value of the buildings standing on the site as assessed by the Government of India who will allow necessary reduction on account of depreciation;

(iii) current rate of rent for the land for the period between the expiry of the lease and the dates on which the land is converted into free hold.

(f) In case the lessees whose leases have expired as mentioned in (d) above, are not willing to purchase the land as free hold, the Government of India will offer a fresh lease to them for a period of 30 years with option to renew for further two terms of 30 years each provided they agree to pay—

(i) rent on the basis of current market rates;

(ii) a suitable premium to be fixed by the Government of India;

(iii) an increased rent at every renewal as fixed by the Government of India which will not exceed 50 per cent. of the rent paid by the lessees immediately before the renewal.

5. In the event of any purchaser requesting that payment may be accepted in instalments, the Government of India will also consider such request and agree wherever necessary to accept payment of conversion cost as well as the value of buildings in easy instalments on such terms and conditions as may be prescribed by the Government and recommendations in this behalf will also be invited from cantonment Boards. Wherever such payment by instalment is agreed upon the ownership of the property will be transferred only when the conversion cost and the value of the buildings have been realized in full.

## APPENDIX XIV

(vide para 80)

### Statement showing further decisions taken by Government on some matters concerning land tenure in Cantonments

#### Civil Areas

Hitherto, under the Cantonment Land Administration Rules, only the rental proceeds arising out of leases/licences of land have been generally credited to the Cantonment Board Funds. It has now been decided that, although ownership of the lands situated in Civil Areas will continue to vest in the Government of India, the Cantonment Boards will be authorised to dispose of such land on behalf of the Government of India and all income arising out of such disposals either by way of premia or cost shall be credited to the Cantonment Funds subject to the condition that the amounts thus realised shall only be utilised on such development schemes as may be approved by the Government of India. Wherever Government find that the funds so collected are surplus to the requirements of the Cantonment Board for approved development schemes such surplus funds shall, if so ordered, be credited to Government:

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areas.

Provided all vacant land, which has neither been sold nor leased may be utilised at any time by the Government for military purposes; in such cases the Cantonment Boards will not be entitled to claim compensation for the loss of income from any such land.

After taking into account the recommendations made by the Cantonment Boards, the Government of India have now decided—

(A) to permit the conversion of land into free-hold rights on the terms and conditions mentioned below:

Term  
conve  
for fr  
right

#### (1) Old Grant Sites:

- |  |  |
|--|--|
| (i) The land underneath the building together with such unbuilt area included in the holding but too small to permit further construction. | On payment of a sum not less than 5 times the Standard Table of Rent.  |
| (ii) Area in excess of (i) above.  | On payment of a sum not less than 25 times the Standard Table of Rent. |

#### (2) Leased Sites

- |   |  |
|---|--|
| (i) Those who have paid premia at the time of taking the lease. | On payment of 20 times the Standard Table of Rent. |
|---|--|

- |   |  |
|---|--|
| (ii) Those who have not paid any premium. | On payment of 25 times the Standard Table of Rent. |
|---|--|

### **(3) Expired Leases:**

In cases of leases, which have recently expired and where under the terms of the lease, the land and the building revert to Government free of cost, but where the last lessee has been allowed to remain in possession of the property pending revision of Land Administration Rules, such last lessee may acquire free-hold rights in respect of the area covered by the lease on payment of:—

- (i) the amounts as prescribed in (2) above for leased sites and
- (ii) arrears of lease rent at the rate prescribed in the expired lease up to the date of conversion and
- (iii) 3% of the market value of the building, if any, standing on the site as assessed by the Government of India, and whose assessment shall be final.

(B) *Fresh Leases for 99 years:* Persons who do not acquire free-hold rights as in (A) above, but who are desirous of taking a long lease may be permitted to obtain in fresh lease for 99 years. Such leases will be granted initially for a period of 33 years, renewable at the option of the lessee, for two successive periods of 33 years each. Premium will be charged on the initial grant of the lease at rates prescribed by the Govt. and rent will be payable as recorded in the current Standard Table of Rent. No premium will be payable at subsequent renewals but rent shall be liable to be revised at every subsequent renewals on the basis of the then prevailing Standard Table of Rent.

This option will be admissible to persons whose leases may or may not have expired and may be exercised either at the expiry of the period of the current lease or during the currency of the lease:

Provided also in the case of leases which have already expired, the last lessee will be required to pay in addition to the premia and rent as prescribed above, arrears of lease rent from the date of the expiry upto the date of taking the lease for 99 years.

(C) *Government Right to Resume Possession:* Lease holders whose leases have recently expired as stated in (iii) of (A) above will be required to acquire free-hold rights under (A) or take out a long lease under (B) above within a specified period. If no such free-hold or lease-hold right is acquired, Government will enter into possession of the property under the terms of the expired lease.

### **Bungalow Areas**

#### **(A) Old Grant Sites:**

*Conversion into free-hold*—Holder of old grant sites not likely to be required by the Government of India in the foreseeable future, may acquire free-hold rights in respect of land covered by the main building, on payment of ten times the current Standards Table of Rent. In addition, such holders may also be permitted to acquire,

on the same terms, similar free-hold rights in respect of such additional area out of his existing holdings as could conveniently be spared by the Government, provided the total area, including the built up area covered by the main building, does not exceed one acre in extent.

The conversion as above shall be subject to the express condition that the holder transfers all rights in respect of the remaining portion of the holding freely and transfers peacefully possession thereof to the Government of India, but in respect of structures if any standing in this area the holder shall be entitled to such compensation as may be determined by the Government of India, which shall be final.

**(B) *Leased Sites:***

It has since been decided not to permit the acquisition of free-hold rights in respect of lands covered by the existing leases.

**(C) *Expired Leases:***

Unless the resumption of land in any such case is necessary to meet the requirements of the Government, the last holder may be permitted to take a fresh but short-term lease for a period not exceeding thirty years, on terms normally applicable to such leases provided that arrears of lease rent, if any, up to the date of fresh lease are paid.

## **APPENDIX XV**

(Vide para 88)

### **List of Cantonments as categorised by Patil Committee**

#### ***Cantonments in Category I***

***(Cantonments in which large civil areas redundant to the requirements of the Army can be exercised and formed into a separate local body.***

1. Ambala

#### ***Cantonments in Category II***

***(Cantonments in which civil area is not large enough to constitute a local body by itself, but which can be merged in the adjoining local body).***

1. Agra
2. Ahmedabad.
3. Ahmednagar.
4. Allahabad.
5. Banaras.
6. Belgaum.
7. Delhi.
8. Deolali.
9. Ferozepore.
10. Jhansi.
11. Kanpur.
12. Kirkee.
13. Landour.
14. Meerut.
15. Nainital.
16. Poona.
17. Sagar.

#### ***Cantonments in Category III***

***[Cantonments in which the civil areas by reason of their size or situation are not covered by Categories I and II above, and which may continue to be administered under the Cantonments Act (II of 1924)]***

1. Almora.
2. Amritsar
3. Aurangabad.

4. Bakloh.
5. Barrackpore.
6. Bareilly.
7. Cannanore.
8. Chakrata.
9. Clement Town.
10. Dagshai.
11. Dalhousie.
12. Dehra Dun.
13. Dinapore.
14. Faizabad.
15. Fatehgarh.
16. Jalapahar.
17. Jabalpur.
18. Jullundur.
19. Jutogh.
20. Kamptee.
21. Kasauli.
22. Khas Yol.
23. Lansdowne.
24. Lebong.
25. Lucknow.
26. Mathura.
27. Mhow.
28. Nasirabad.
29. Pachmarhi.
30. Ramgarh.
31. Ranikhet.
32. Roorkee.
33. St. Thomas Mount-cum-Pallavaram.
34. Secunderabad.
35. Shahjahanpur.
36. Shillong.
37. Subathu.
38. Wellington.

# APPENDIX XVI

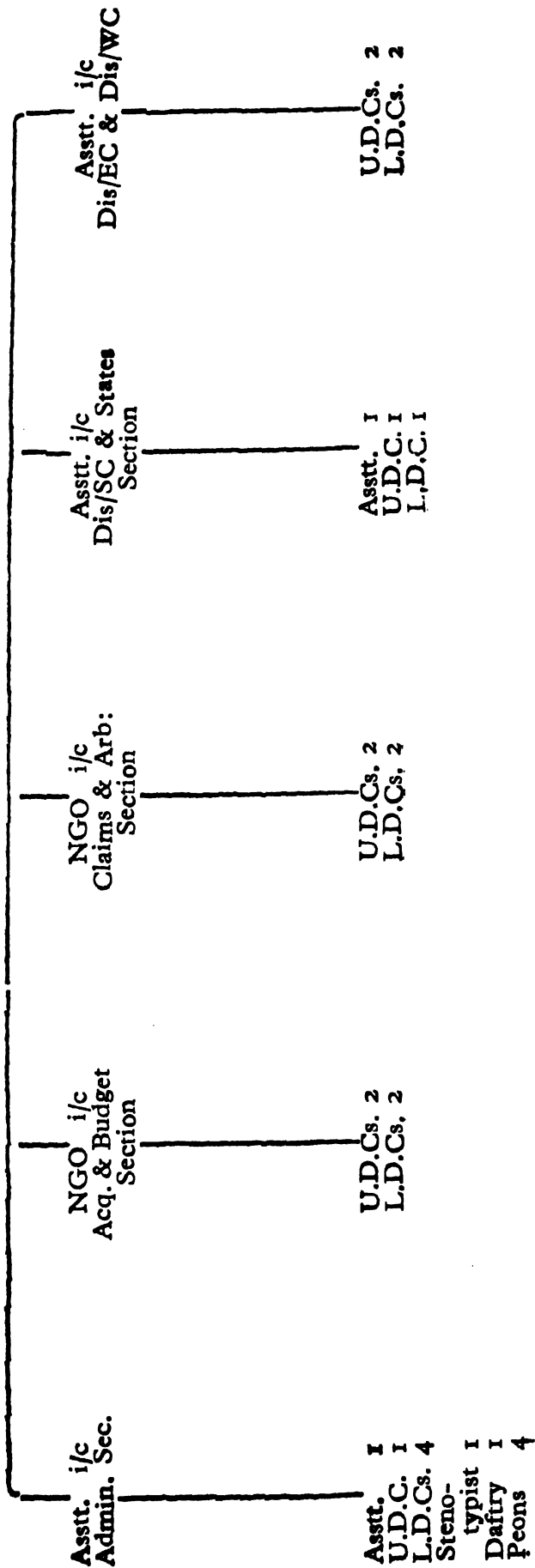
(Vide para 97)

## Lands Hirings and Disposals Directorate

†DIRECTOR at Delhi †Duties performed by Director, ML&C.

DEPUTY DIRECTOR

DY. ASSISTANT DIRECTOR at Delhi

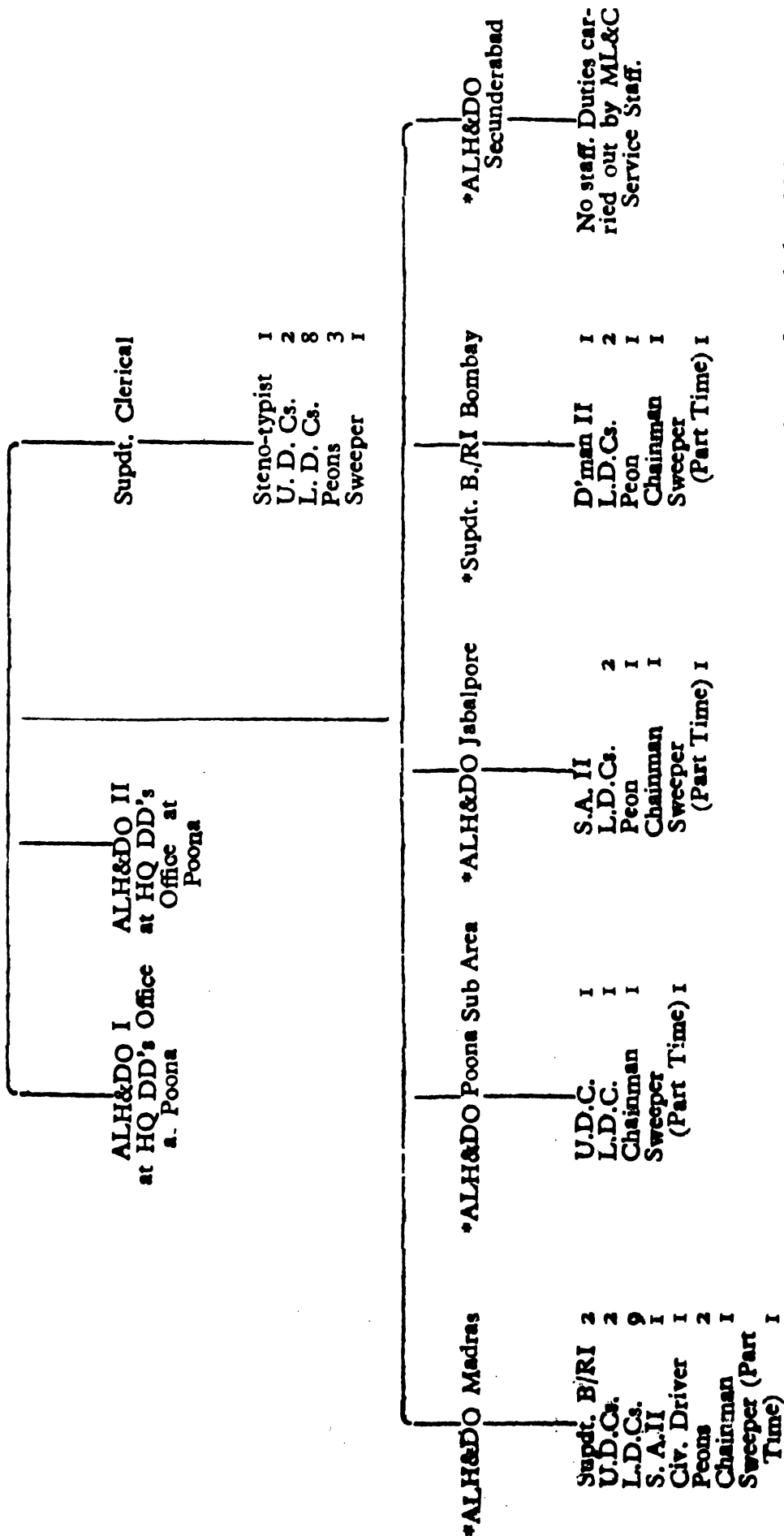




# Lands Hirings and Disposals Service Southern Command

†Duties performed by DDML&C.

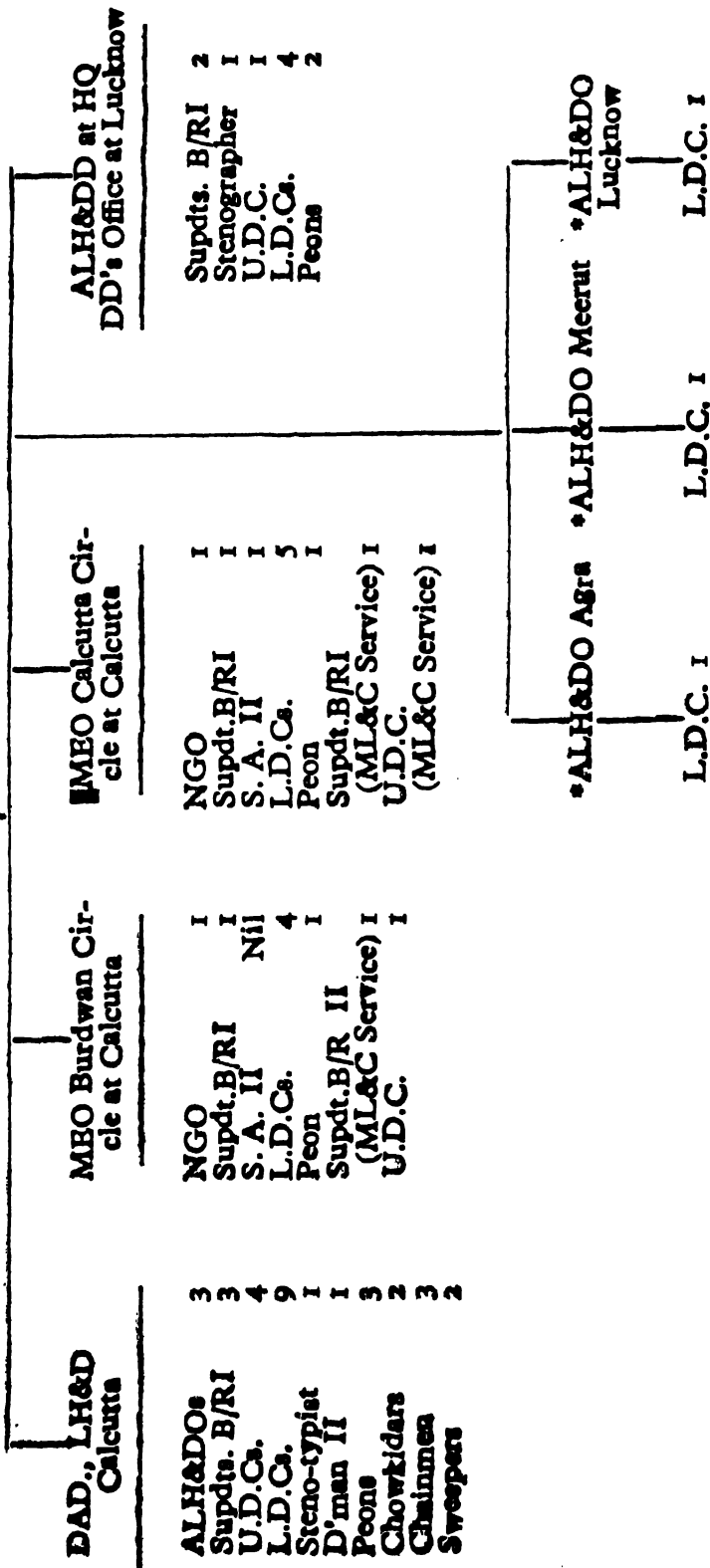
†Deputy Director at Poona



\*Duties performed by MEOs.

**Lands Eriings and Disposals Service  
Eastern Command**

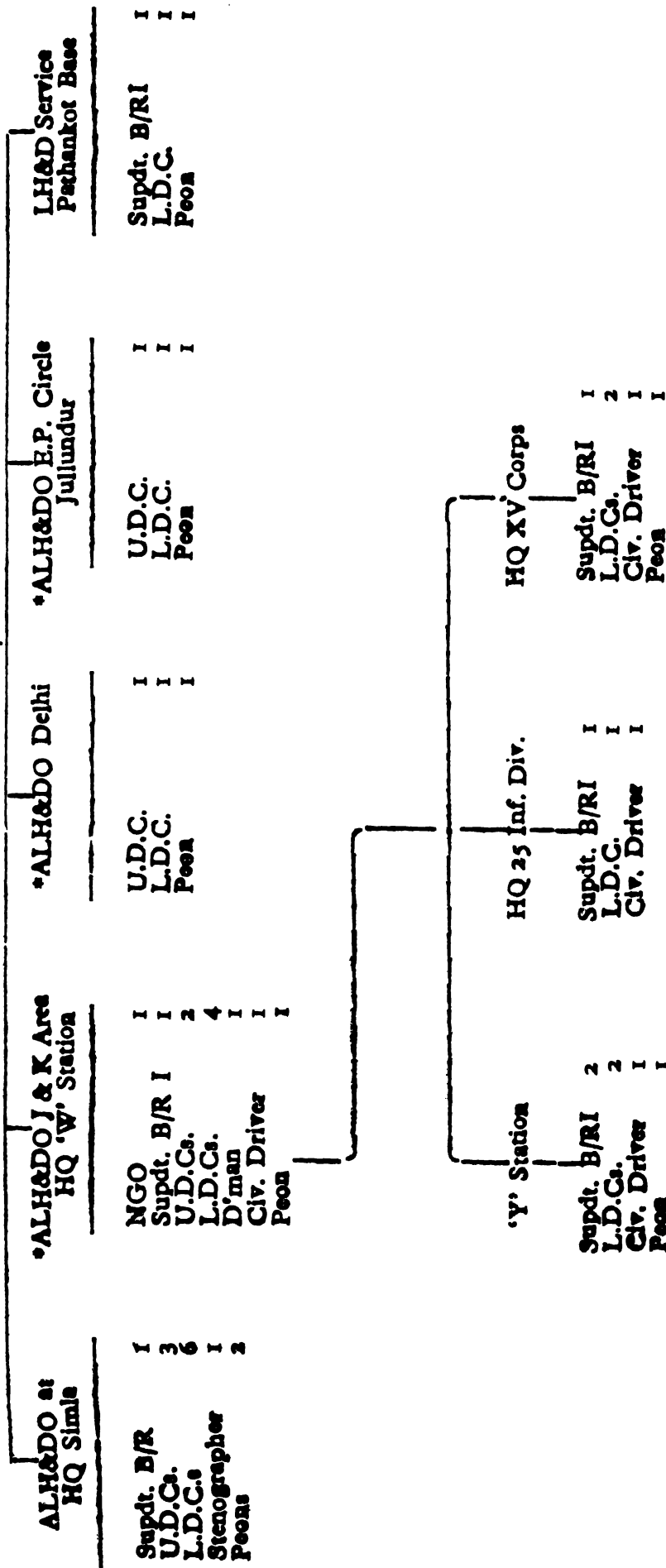
†Deputy Director at Lucknow †Duties performed by DDML&C.



\*Duties performed by MEOs.

**Lands Mirings and Disposals Service**  
**Western Command**

†Deputy Director at Simla      †Duties performed by DDML&C.



\*Duties performed by MBO

## APPENDIX XVII

(*Vide* para 100)

**Statement showing the number of 'Hired Lands', 'Requisitioned Buildings' and 'Requisitioned Lands' during the years  
1947—1954**

				Hired Lands	Requisitioned Buildings	Requisitioned Lands
Yar						
	1947	.	.	723	319	1160
	1948	.	.	478	200	640
	1949	.	.	396	185	576
	1950	.	.	349	165	508
	1951	.	.	278	132	347
	1952	.	.	247	101	310
	1953	.	.	229	91	293
30th June	1954	.	.	222	89	277

## APPENDIX XVIII

### Statement showing the Summary of Conclusions/Recommendations of the Estimates Committee relating to the Ministry of Defence— Lands and Cantonments

S. No.	Ref. to para No. in the Report	Summary of conclusions/recommendations
1	14	The Committee consider it strange that even with such a large civil population in the Cantonment areas, the voice of their elected representatives 10 years after India became independent, should be of less importance than that of the nominated and <i>ex-officio</i> officials who are in a majority on the Board as at present constituted in the civic administration and the provision of civic amenities in areas other than those occupied by Military personnel.
2	15	The Committee regret to find that even though the experiment of introducing parity among the elected and nominated members in the Cantonment Boards of Poona, St. Thomas Mount, Bareilly, Lucknow, Jullundur and Mhow, has been tried for nearly a year or more and even though its results were stated to have already been assessed, the matter was still under consideration and no final decision had yet been taken. The Committee feel that sufficient attention has not been given by the Government to the question as also to that of democratisation in the civic administration of cantonments.
3	17	It is not surprising, and on the contrary quite understandable, that the Cantonments Act as framed in 1924 provided a statutory official majority in the Boards constituted for the civic administration of the cantonments.  What is surprising is that it has not been considered necessary or desirable even today to make a change in a position which has continued for decades.
4	19	The Committee notice the same hesitancy as before in the approach of the authorities to the question of the full democratisation of local self-Government

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in Cantonment areas. They regret to find that at this stage of political development in the country, the authorities should still think in terms of conducting experiments in the matter of entrusting what is essentially a municipal administration to the elected representatives of the local population. The Committee are also distressed to hear the same old argument based on the fear that if municipal administration was entrusted to the elected representatives of the people, it might interfere with the health and security of the troops stationed in the adjoining areas.

- 5            20        The Committee find it difficult to accept the above arguments. The Committee are not aware that the presence of a large civil population in Bombay, Calcutta, Bangalore and Delhi is considered injurious to the security of the armed forces stationed at these places.
- 6            22        The Committee feel fully convinced that there is no justification for continuing the bureaucratic administration in the cantonments. They feel that there is no necessity to experiment with parity or any process of democratisation in the constitution of Cantonment Boards. Even when the experiment was first made in a few Cantonments it should have been extended in all Cantonments as the first step in the process of democratisation. Even the fears about the security and health of the troops which the Committee consider unfounded, need not have interfered with that process since the Cantonments Act provided for sufficient safeguards.
- 7            22        The Committee recommend that the Cantonments Act should be amended immediately to provide for the democratisation of the civic administration in the Cantonment areas. The strength of the Cantonment Boards which varies from three to 15 should be increased. The Membership should be determined in relation to the population and should be based on well defined principles. The Officer Commanding the Station may have powers to nominate one or two military officers to the Board, if necessary. One of them might be the Health Officer and the other, one of the Medical Officers or the Garrison Engineers. The Committee do not consider it necessary or desirable that the Officer Commanding the Station should be a member of the Board. They are of the opinion

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that the President of the Board should be elected by the members from amongst themselves.

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The Committee consider that the powers of the Board should be comparable to the powers of the municipalities. For that purpose, a comparative study may be made of the constitution and powers of municipalities in those States, where local self-Government has progressed. The Central Government could take powers for issuing instructions in pursuance of national policy, plan or programme. The general control which in respect of municipalities vests in the State Governments may in respect of the Cantonment Boards vest in the Central Government. Also, if considered absolutely necessary in order to safeguard the interests of the troops, the Officer Commanding the Station or the G.O.C-in-C. may have the powers to suspend any resolution passed by the Board for a specified period, the maximum to be laid down by law and refer the matter to the Central Government. The Central Government could have the powers to make a reference to the Board for reconsideration or to veto the resolution. The Committee feel that such provisions would amply safeguard the Defence interests.

The Committee are convinced that there is no risk involved in the democratisation of Cantonment administration in the manner indicated by them.

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The following is an extract from the annual Administration Report of Cantonments for 1954-55 :

“The financial position of most of the Cantonments is not at all sound. Many lead only a hand to mouth existence and quite a good number depends on Central aid for maintaining their financial equilibrium. No major development projects have, therefore, been undertaken by any of the Cantonments in the past. As a result, Cantonments lagged behind the desired standard in the matter of providing an adequate and wholesome supply of water, proper drainage scheme, sanitation projects, electricity and education etc. Owing to the financial stringency and other defence commitments, aid from the Central Government has been given only for balancing budget estimates and financing very essential projects”.

The Committee feel that this is a very unsatisfactory position.

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10	28	The Committee find that there was practically no programme in the First Five Year Plan for development in Cantonment areas except in the last year of the plan when a sum of Rs. 44 lakhs was said to have been provided, out of which only a sum of Rs. 19 lakhs was actually utilised.
11	29	The Committee consider it unfortunate that local self-administration under the supervision and control of the Central Government should have a poor record in the matter of development of civic facilities.
12	30	The Committee cannot help feeling that shortcomings on the part of the Cantonment administration are inherent in the system under which they work.
13	30	The Committee find that while municipal administration, town planning, development projects, educational and medical facilities etc. have made considerable progress in municipal areas controlled by various State Governments, so far as the Cantonments are concerned, the progress has lagged far behind.
14	30	The Committee feel that as long as the responsibility for supervising the Cantonment areas lies with the Central Government, every attempt should be made to quicken the pace of development in the Cantonment areas.
15	31	The civil population living in the Poona Cantonment do not enjoy the benefits of the Bombay Primary Education Act, whereas, compulsory Primary Education was introduced in Poona City as early as 1-9-47. While on the one hand such a position was due to the view held that the State Government's enactment was not applicable in the Cantonments, on the other hand it was also due to the Central Government not taking steps to provide for the introduction of free and compulsory primary education in the Cantonment area. The Committee consider this as a very unsatisfactory position.
16	33	The Second Five Year Plan has envisaged the implementation of the policy of Compulsory Primary Education through the instrumentality of the local authorities. The Central Government being responsible for local administration in Cantonment areas, it would be expected that they should have taken up this matter much earlier.



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17	34	The Committee consider it unfortunate that uncertainty about the responsibility for taking action in accordance with the Directive Principles of State Policy should have remained unresolved for nearly seven years out of the ten year period specified in the Constitution. They are anxious that there should be no disowning of responsibility on the part of both the State Government and the Central Government in this important matter and no further time should be lost in fulfilling the responsibility. The Committee feel that a clear decision regarding responsibility in the matter should be taken immediately and very early action taken to implement the Directive Principles of State Policy.
18	35	The Committee would suggest that the entire basis of the Cantonments Act should be examined in the light of the Constitutional provisions. The Committee would recommend that the matter should be very carefully examined by the law officers of the Government and the opinion of the Attorney-General should also be invited and a clear decision reached at an early date. They also suggest that if necessary, the opinion of the Supreme Court may be sought by the President in this matter, under the provisions of Art 143(1) of the Constitution.
19	40	The Committee do not propose to make any specific recommendation regarding the enhancement of the powers of the Civil Area Committee, since they do not agree that democratisation should be introduced piecemeal in this manner, and since they have already recommended that the very structure of the Cantonment Board should be made fully democratic.
20	42	It has been represented to the Committee that the decisions of the semi-judicial Assessment Committees are not treated by the official elements with the respect they deserve.
21	45	The Committee cannot help feeling that the prevailing attitude regarding Assessment Committees is not in consonance with the democratic ideals that they would like to prevail. The Committee realise that there could be difference of opinion about assessment. But when a responsible body is set up, the implications of setting aside any decision reached by that body after due deliberations

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should be realised. The Committee feel convinced that such unfortunate situations arise mainly because of the estranged relationships caused by providing a statutory official majority in a purely civil administration.

22      49      The Committee consider the position about large arrears of collection of taxes as very unsatisfactory.

23      50      The Committee feel that the Government should prescribe a standard of collection of taxes and see that it is adhered to.

The Committee recommend that the special reasons for the arrears should be found out and suitable remedial action taken by improving the financial administration and the efficiency of the personnel.

24      52      While the Committee realise the necessity to give grants in order to supplement resources wherever they are deficient, they feel that the grants should also take into account the level of taxation in the Cantonments, the level of services provided for the expenditure and the wealth and prosperity of the inhabitants.

25      54      The Committee recommend that wherever proceeds of taxes levied and collected by States have been assigned to municipalities, the question of extending the same benefit to the Cantonments situated in the State should also be taken up.

26      55      The Committee feel that there should be a review and rationalisation of the taxation in the various Cantonments. The Committee recommend that taking into consideration the services performed in both the Cantonments and the adjoining municipalities, the tax structure in Cantonments should be suitably revised so as to remove wide disparities in the incidence of taxation. The grants-in-aid should also be so regulated that there is no encouragement to such Board as do not meet fully their responsibility for imposing taxation measures.

27      56      The Committee recommend that after the Cantonment Boards have been made fully democratic it should not be made obligatory for the Boards to get the prior sanction of the Central Government for imposing municipal taxes. They should have independent powers of taxation as recommended by the Local Finance Enquiry Committee.

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- 28      62      The Committee agree that in keeping with the progress of social and political outlook in the country the attitude of Executive Officers associated with local self-Government bodies should also undergo a re-orientation.
- 29      62      The Committee were surprised to learn that the All India Military Lands and Cantonments Officers Service Association urged the reduction of the strength of elected members in the Board to 25%, the abolition of the civil area committee consisting of elected members and its replacement by an official standing committee, the inclusion of the Executive Officer as a member in the Board and also the investment of the Executive Officer with the judicial powers of a magistrate.
- This, the Committee consider, is a most deplorable attitude on the part of civil servants who are supposed to assist a type of Local Self-Government. The Committee can only hope that the outlook of these Officers has undergone a material change since then. At the same time, they believe that it is also the responsibility of the Government to ensure the leadership and initiative necessary to make every member of the administrative organisation controlled by them adhere to sound democratic principles.
- 30      63      The Committee do not consider the appointment of I.A.S. officers as Executive Officers in Cantonments as a feasible suggestion. The Committee would, however, point out that in any case the Executive Officers should be put through a comprehensive course of training, which should include a study of the problems concerning Local Self-Government, social welfare, town planning and development etc. The Committee do not consider the present course of training of six months, during which the trainees are attached to some Executive Officers, as satisfactory.
- 31      75      The Central Committee on Cantonments, reporting in 1951, referred to the suggestion that some provision should be made whereby sites granted under the old Presidency regulations on Cantonment tenure would be converted into lease-hold so that the respective rights of the Government and of the occupier could be more clearly defined. The Committee feel that the action taken on this
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recommendation would indicate that no active steps were taken by Government to encourage such conversion.

32        78        Even assuming that in each of the cases of harassment caused to the residents of Cantonments in the use of property, action had been taken strictly in accordance with the orders, rules, regulations or other conditions of the grant, the Committee cannot rule out the possibility of a genuine feeling of harassment in the minds of the property holders.

33        79        The Committee would observe that perhaps the spirit of the assurances given by the Defence Secretary, on the floor of the Legislative Assembly in 1936, is not being observed uniformly in all cases, while taking executive action.

34        81        The Committee are by no means certain that the decisions in the matter of land tenure in Cantonments mentioned in the Statement laid on the Table of the Lok Sabha on 17-12-56, will lead to a practical solution of the Land problem.

35        81        The Committee feel that the chances of success might improve if sufficiently attractive terms were also allowed to holders of the 'Old Grant Sites' for the conversion of their tenure into free-hold e.g.,

(i) conversion into free-hold on payment of an amount which is fixed at a reasonably low figure; or

(ii) recognition of the holders as lessees in perpetuity, on payment of a nominal premium, the other terms of the lease not being onerous for the lessee.

However, the Committee consider that the best guarantee for the success of any formula could only be that it should meet the realities of the situation and be in accordance with the popular will.

36        81        The Committee would recommend that to arrive at a workable formula, the Government should convene a conference with the representatives of the All India Cantonments Association, nominees of the elected members of the Boards from different regions, and members of Parliament having special knowledge of the subject. It should be the en-

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deavour of the Conference to find an agreed solution, keeping in view the main objects of (a) providing a guarantee of tenure thereby ensuring an undisturbed possession of land, (b) eliminating extra municipal interference in the enjoyment of property rights, and (c) providing for an orderly and planned utilisation and development of land. Having found such a formula, the Government should, if necessary, bring forward a legislation to end within a reasonably short period the multiplicity of tenures.

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| 37 | 83 | The Committee do not see any convincing reasons why the management of the class 'B'(3) and 'B' (4) lands should not be vested in the Cantonment Board.   |
| 38 | 84 | The Committee recommend that first of all, a survey and a review of all lands whether class 'A', 'B' or 'C' should be carried out to define clearly the lands which are required or need to be reserved for specific military purposes. Further, they recommend that all lands except (a) those demarcated as suggested above, (b) those which are under the occupation or use of any Government Department should be managed by the present Cantonment Board or its successor authority. For the purpose of the management of lands, the Boards should be enabled to function in the manner of Town Improvement Trusts. A suitable formula regarding the sharing of the income from Government lands between the Cantonment Board and the Government may also be worked out, according to the needs of the circumstances. |
| 39 | 89 | The Committee find that even though the recommendations of the Central Committee on Cantonments were made five years ago, very little progress has been made in the implementation thereof. The Committee feel disappointed with the pace of progress in the matter of delimitation of Cantonments.<br><br>Even the decision said to have been taken two years back after consulting the wishes of the local residents has not been implemented yet.   |
| 40 | 90 | In considering the question of the delimitation of Cantonments and excision of civil areas from Cantonments, the Committee find that there is an   |

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emphatic need to reconsider the very approach to the problem. The Committee observe that even though the questionnaire issued by the Central Committee on Cantonments was comprehensive and touched the fundamental problems relating to the Cantonment, except perhaps only the Lands problem, the report took a very restricted view of the terms of reference to the Committee.

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| 41 | 91  | The Committee feel that the very justification for the continued existence of the Cantonments as ordinarily understood needs to be re-examined.  |
| 42 | 94  | The Committee feel that local government, being a subject relating to State administration, could be safely left to the States. If the army is stationed in areas contiguous to the municipalities it could be provided that the Commandant should be given representation in the Municipal Board. The right may also be reserved to the course of training of six months, during which the trainees are attached to some Executive Officers, as satisfactory. Commandant to refer any particular decision of the local authorities, which affect the health or security of the troops, to the State or the Central Government as the circumstances may require. |
| 43 | 95  | The Committee recommend that abolition of Cantonments as commonly understood at present should be the goal and that with this end in view practical steps should be taken in consultation with the State Governments so as to reach it in the minimum possible period. They would like to add, however, that most of the other recommendations in this report are essentially of an interim nature which should be implemented immediately till the main salutary and overdue reform is brought about.   |
| 44 | 100 | The Committee observe that the process of de-requisitioning or de-hiring the lands has been very slow.   |
| 45 | 104 | The Committee consider it essential that the doubts, suspicions, and discontent in the minds of the public regarding requisitioning and de-requisitioning of military lands as also the settlement of compensation cases should be removed.  |

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The Committee feel that any element of arbitrariness should be completely eliminated and strict rules and regulations should be laid down to make the de-requisitioning and de-hiring of properties and payment of compensation reasonably prompt, after the emergency is over.

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There is no justification for an organisation like the Lands, Hirings and Disposals Service, which was created specifically for an emergency, to continue to exist so long after the war ended. The Committee feel that unless stringent regulations are made and enforced, such matters have a tendency to drag on indefinitely, adding both to the discontent among the public and to the drain of the exchequer. The Committee, therefore, recommend that a review should be made immediately of the present position and practical steps taken to reach decisions on all outstanding cases. The Lands, Hirings and Disposals Service should be wound up at a very early date and in any case not later than March, 1958, when the Requisitioning and Acquisition of Immovable Property Act, 1952 will expire.

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